



Hearing Statement

Oddfellows Arms, 25 Main Street, Higham
on the Hill, Nuneaton, Leicestershire

Appeal on behalf of A R Cartwright Ltd

Application Ref:24/00229/FUL

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Appendices

[Appendix 1 – Appeal Decision Notice \(APP/K2420/W/23/3332401\)](#)

[Appendix 2 – Appeal Decision Notice \(APP/K2420/W/23/3330774\)](#)

[Appendix 3 – Appeal procedure comments of the Local Planning Authority](#)

[Appendix 4 – Appeal Statement; Built Heritage \(Cambridge Heritage\)](#)

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1. Introduction

- 1.1 This Section 78 appeal is made by A R Cartwright Ltd, the Appellant. It relates to Hinckley and Bosworth Borough Councils (HBBC's) decision to refuse planning permission, allocated reference 24/00229/FUL for development described as follows;

Proposed development of 7 dwellings – the conversion of the existing building into 2 dwellings and 5 new build properties.

- 1.2 The application was submitted to the Local Planning Authority on 11 March 2024, validated on 13 March 2024 with a statutory determination date of 08 May 2024. Amended plans were submitted for consideration on 15 April 2024. The appeal application was refused by Delegated powers on 26 September 2024.

- 1.3 The appeal application was refused for four reasons, as follows:

1. The change of use of the remaining original building from a public house to residential use will result in the permanent loss of the longstanding community interest and value of the building, thus removing the positive contribution this makes to its historic interest and having an adverse impact upon its local heritage significance. Furthermore, the introduction of significant new built form onto the site within the Higham on the Hill Conservation Area would not reflect the traditional urban grain of the conservation area and would be uncharacteristic and would erode the existing open character and appearance of the area. Additionally, the proposal would have a significantly detrimental urbanising effect on important views and vistas that would reduce the ability to appreciate the rural setting of the Higham on the Hill Conservation Area. For these reasons the proposal has adverse impacts upon the significance of this designated asset and this significant but less than substantial harm is not outweighed by the identified public benefits of the scheme. The proposal is therefore contrary to Policies DM11 and DM12 of the SADMP, section 16 of the National Planning Policy Framework (Dec 2023) and the statutory duty of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
2. The proposal would result in the permanent loss of a key community facility contrary to the requirements of Policy 12 of the Core Strategy and Policy

DM25 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. By virtue of its scale and massing the proposal for the additional five new dwellings would result in an incongruous form of development that would be prominent in views from public vantage points and would detract significantly from the character and appearance of the application site and the area, contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (Dec 2023).
4. The application fails to provide the occupiers of the dwelling on plot 1 with an adequate level of amenity as required by paragraph 135f) of the National Planning Policy Framework and the Council's Good Design Guide (2020).

- 1.4 The Appeal has been prepared having regard to the online Planning Inspectorate (PINS) 'Procedural Guide: Planning Appeals – England'. Annex J, paragraph J.2.3 directs the Appellant to 'respond to the reasons for refusal set out in the local planning authority's decision notice (if a decision is made) focusing on areas of difference'. The reasons for refusal set out above are discussed in detail in this Hearing Statement.
- 1.5 During the course of the application, in response to consultation responses received and further feedback from officers, supplementary information was provided. Additional information included a Dusk Emergence Survey for Bats and Archaeological Heritage Assessment and an amended block plan. Those amendments and supplementary information were duly accepted by the Council and reconsulted upon. The Appellant invites determination of the appeal upon that basis.
- 1.6 This Hearing Statement has been prepared by Michael Robson BA(Hons) DipTP MRTPI, Managing Director of Cerda Planning. Cerda Planning was agent for the appeal application. I have 25 years planning experience in both the public and private sectors. I have been based in the Midlands region throughout my career, advising on sites across the country. Over this time, I have advised on numerous development proposals in the context of planning applications, Development Plan preparation and, as necessary, appeals.

Key Considerations

1.7 The following key issues are relevant to the determination of this appeal;

- Whether the appeal proposals accord with the relevant policies of the Development Plan when taken as a whole;
- The benefits of the development and the weight that should be attached to those benefits;
- If there are any other material considerations that need to be weighed in the balance;
- The Housing Land Supply position and its implications for the determination of this appeal;
- Whether there would be a loss of community interest in the existing building and examining any potential adverse effects on its heritage significance. Additionally, assessing the impact of the proposed new build on the character and integrity of the Conservation Area;
- The potential loss of a community facility and its broader implications for the local community;
- Determining how the proposal might affect the character and overall visual appearance of the site and its surroundings; and
- Examining whether the proposed development would have any unacceptable impacts on residential amenity.

2. The Appeal Site and Surrounding Area

- 2.1 In accordance with the procedural guidance, a draft Statement of Common Ground (SoCG) has been prepared and is submitted alongside this Appeal. The SoCG includes a full description of the site and surrounding area as proposed to be agreed with the Council. Further description and contextual analysis of the site and surroundings can also be found in the documents submitted in support of the Appeal, including the Planning Statement, Ecological Assessment and the Design and Access Statement.
- 2.2 The application site has an area of 0.29 hectares and comprises the former Oddfellows Arms Public House and its hard-surfaced parking area at the rear. The site lies within the administrative boundary of Hinckley and Bosworth Borough Council. The site lies wholly within the settlement boundary, in an urban location and is previously developed land.
- 2.3 The former Oddfellows Arms Public House is a three-storey building fronting Main Street, featuring a series of flat roof extensions to its north and west. The site is currently accessible via two entrances, one to the east and one to the west of the 'Oddfellows'.
- 2.4 The public house, including its car park, is registered as an Asset of Community Value (ACV).
- 2.5 To the north of the site lies a grassland area, previously used as a beer garden, and beyond that, a paddock (also owned by the applicant) extending to the rear boundaries of properties on Hilary Bevins Close. This paddock is surrounded by a vegetated boundary and contains a pond. To the west of the paddock is the 'King George V Playing Field', with pastoral fields further northeast.
- 2.6 Due to its central village location, built developments, primarily residential, are situated both adjacent to and opposite the site.
- 2.7 The site is located within the Higham on the Hill Conservation Area and is within the defined settlement boundary. The pub is identified as a significant local building within

the Conservation Area Appraisal. The pub is considered to be a non-designated heritage asset.

3. The Appeal Proposal

3.1 The appeal application was submitted on 11 March 2024. The originally submitted documents were as follows:

- Site Plan 22/85 55
- Proposed Floor Plans and Elevations Hartshill semi 22/85 54
- Proposed Floor Plans and Elevations Hartshill semi 22/85 54b
- Proposed Floor Plans and Elevations Kenilworth 22/85 53
- Proposed Floor Plans and Elevations Belvoir 22/85 52
- Block Plan 22/85 50b
- Proposed Pub Conversion 22/85 51
- Street Scene 22/85 56
- Transport Statement (ref: ADC2302-RP-D-v2)
- Building Conditions Survey (August 2019)
- Preliminary Bat Roost Assessment (ref: GE0624)
- Tree Survey (February 2024)
- Planning Statement (ref: p-19-1632)
- Design and Access Statement (February 2024)
- Foul and Storm Water Drainage Strategy (ref: 81712-03 Rev E)

3.2 Following feedback from the Council and consultees received during the statutory consultation period, comments were reviewed, and a number of fairly minor changes were undertaken to the originally submitted appeal application.

3.3 On 13 March 2024, the following plan was submitted to the Council:

- Site Location Plan 22/85 57

3.4 This plan was updated to show other land in the appellants ownership edged in blue.

3.5 On 02 April 2024, the following survey was submitted to the Council:

- Archaeological Heritage Assessment (March 2024)

3.6 On 15 April 2024, the following amended drawing was submitted to the Council:

- Site Plan 22/85 55a
- Block Plan 22 85 50 Rev D

And the following additional plan was submitted to the Council:

- Access to Recreation Ground

3.7 The block plan was updated as the original plan submitted did not show the legal access way to the recreation ground. The plan was updated to show this. The Parish has a right in perpetuity, to access the recreation ground. This is for pedestrians, maintenance vehicles and emergency vehicles.

3.8 On 05 August 2024, the following survey was submitted to the Council:

- Dusk Emergence Survey for Bats (July 2024)

3.9 This survey was submitted to the Council following the receipt of comments of the Senior Planning Ecologist, who requested a bat survey report, detailing the findings of an evening emergence survey, along with any mitigation to be provided.

3.10 The plans that were for approval at the point the Council determined the application were:

- Site Plan 22/85 55a (submitted: 15.04.2024)
- Access to Recreation Ground (submitted: 15.04.2024)
- Block Plan 22/85 50d (submitted: 15.04.2024)
- Site Location Plan 22/85 57 (submitted: 13.03.2024)
- Proposed Pub Conversion 22/85 51 (submitted: 11.03.2024)
- Proposed Floor Plans and Elevations Belvoir 22/85 55a
- Proposed Floor Plans and Elevations Kenilworth 22/85 53 (submitted: 11.03.2024)
- Proposed Floor Plans and Elevations Belvoir 22/85 52 (submitted: 11.03.2024)
- Proposed Floor Plans and Elevations Hartshill semi 22/85 54b (submitted: 11.03.2024)
- Street Scene 22/85 56 (submitted: 11.03.2024)

3.11 Regarding the plan 'Proposed Floor Plans and Elevations Belvoir 22/85 55a (submitted: 11.03.2024)' as listed on the Council's decision notice, this plan has been listed in error and does not form part of the original submission documents.

4. Relevant Planning History

- 4.1 There are five relevant planning applications in respect of the appeal site.
- 4.2 **22/00124/FUL** – Full application for the residential development of nine dwellings with associated access, parking and landscaping. Refused December 2023. This application was designed following advice from the Council. The application excluded the pub and its car park and was refused on five grounds detrimental effect on heritage assets, countryside location and detrimental effect on the site and surrounding area, scale and massing and detrimental effect on public views, detrimental effect on biodiversity and insufficient information regarding trees.
- 4.3 **20/01065/HYB** - Hybrid application consisting of full permission for the part demolition/part conversion of former public house to a dwelling house and construction of five dwellings with access and outline permission for the erection of up to 20 dwellings and associated infrastructure. Withdrawn November 2021.
- 4.4 **20/00153/FUL** - Demolition of the former Oddfellows Arms public house the erection of eight dwellings and associated infrastructure. Withdrawn April 2020. The Oddfellows Arms was to be demolished and rebuilt like for like but moving it further to the boundary with no. 27 Main Street, Higham on the Hill. During the course of the application exception was taken to the potential loss of the public house, the application was subsequently withdrawn
- 4.5 **15/00381/COU** - Change of use of land from agricultural to equestrian (re-submitted application). Approved June 2016
- 4.6 **14/00367/OUT**- Erection of 10 dwellings (outline - access and layout). Refused October 2014. The application was refused on the grounds that it exceeded the allocated housing requirement for Higham and that it would cause harm to the rural setting of the village and to the setting of the Conservation Area

5. Planning Policy Context

The Development Plan

- 5.1 The Development Plan comprises of the Core Strategy (2009) and Site Allocations and Development Management Policies DPD (2016).
- 5.2 The following policies that the Council have referenced in their reasons for refusal are as follows:

Core Strategy (2009)

- 5.3 **Policy 12: Rural Villages** seeks to support existing service in rural villages and will do so through supporting housing development within settlement boundaries that provides a mix of housing types and tenures; and the policy will resist the loss of local shops and facilities in rural villages unless it can be demonstrated that the business or facility can no longer operate in a viable manner.

Site Allocations and Development Management Policies DPD (2016)

- 5.4 **Policy DM10: Development and Design** has regard to a number of requirements (a-i) so as to ensure that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings; that the amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site; and it complements or enhances the character of the surrounding area.
- 5.5 **Policy DM11: Protecting and Enhancing the Historic Environment** seeks to protect, conserve and enhance the historic environment throughout the borough.
- 5.6 **Policy DM12: Heritage Assets** requires all development proposals affecting heritage assets and their setting to secure their continued protection or enhancement, contribute to the distinctiveness of the areas in which they are located and contribute to the wider vibrancy of the borough.

- 5.7 **Policy DM25: Community Facilities** seeks to resist the loss of community facilities, unless it can be demonstrated that is a surplus of the facility type within the immediate locality exceeding the needs of the community. The policy is divided into 3 parts: Provision of New Facilities; Retention of Existing Provision and Loss of Existing Facilities. For the purposes of this proposal, the relevant part relates to the 'Retention of Existing Provision' and 'Loss of Existing Facilities'. The policy states:

"Provision of New Facilities

The Borough Council will seek to support the formation of new community facilities across the borough. To reduce reliance on the private car, where new facilities are to be established it should be demonstrated that they are accessible to the community which they intend to serve by a range of sustainable transport modes.

Retention of Existing Provision

The Borough Council will resist the loss of community facilities including ancillary areas. The redevelopment or loss of community facilities will only be appropriate where it can be demonstrated that:

- a) An equivalent range of replacement facilities will be provided in an appropriate location within a reasonable distance of the local community; or***
- b) There is a surplus of the facility type within the immediate locality exceeding the needs of the community; or***
- c) The loss of a small portion of the site would result in wider community benefits on the remainder of the site.***

Loss of Existing Facilities

Where replacement facilities will not be provided or a surplus cannot be demonstrated and the scheme would not result in wider community benefits on the remainder of the site, the loss of a community facility would only be considered acceptable where it can be demonstrated that:

- d) The facility has been proactively marketed for a community use for a reasonable period of time at a reasonable marketed rate as supported and demonstrated through a documented marketing strategy.***

e) *It has been offered to the local community for them to take ownership of the facility*".

5.8 Other relevant policies which are considered relevant to the appeal proposals but not referred to in the decision notice are also summarised below.

Core Strategy (2009)

- Policy 14: Rural Areas: Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 17: Rural Needs
- Policy 19: Green Space and Play Provision

5.9 Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM9: Safeguarding natural and semi-natural open spaces
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

Other Material Considerations

5.10 Material planning policy and planning guidance considerations include:

- Good Design Guide (2020)
- Landscape Character Assessment (2017)
- Leicestershire Highway Design Guide
- Higham on the Hill Conservation Area Appraisal and Map (2009)

5.11 The Good Design Guide (2020) is specifically referred to within the Reasons for Refusal.

- 5.12 The Development Plan has statutory status, whereas supplemental guidance serves only as additional support and does not carry statutory weight.

The emerging Hinckley and Bosworth Local Plan

- 5.13 The Council is currently working on a new Local Plan for the Borough which will set out land allocations and planning policies for the period 2020 to 2041. The previous Local Development Scheme (LDS), approved at Full Council on 13 December 2022, has now been superseded.
- 5.14 An updated LDS was published on 08 February 2024. The updated LDS revises the timetable for production of the emerging Local Plan and establishes key milestones for public consultations. The emerging LP (eLP) is at an early stage in the plan making process. It is expected that a new “Regulation 19” plan will be consulted on this year and adoption will be in 2027.

The National Planning Policy Framework (NPPF)

- 5.15 Paragraph 73 acknowledges the benefits that small and medium sized sites can make to achieving the housing requirement of an area. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:
- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;
 - b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom build housing;
 - c) use tools such as area-wide design assessments, permission in principle and Local Development Orders to help bring small and medium sized sites forward;

- d) support the development of windfall sites through their policies and decisions
 - giving great weight to the benefits of using suitable sites within existing settlements for homes; and
- e) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

- 5.16 Paragraph 83 states, that: to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 5.17 Section 8 relates to the promotion of healthy and safe communities. Planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. Section 8 also promotes access to a network of high-quality open spaces and opportunities for sport and physical activity. Paragraph 98 of the Framework states that to provide the social, recreational and cultural facilities and services the community need planning decision should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
- 5.18 Section 9 of the NPPF focuses upon the promotion of sustainable transport. Paragraph 109 acknowledges that: opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 5.19 Section 11 seeks for planning policies and decisions to promote an effective use of land in meeting the need for homes...Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.
- 5.20 Paragraph 128 states that ***“Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.. and that they should support proposals to... (b) make more effective use of sites that provide community***

services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space”.

- 5.21 The requirement to achieve well-designed and beautiful places is set out in section 12 of the NPPF. Paragraph 139 advises that permission should be refused for development of poor design.
- 5.22 Section 15 relates to conserving and enhancing the natural environment. Paragraph 187 advises that development should: ... d) minimise impacts on and providing net gains for biodiversity...; e) prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediate and mitigate despoiled, degraded, derelict, contaminated and unstable land.
- 5.23 Section 16 of the NPPF focuses upon the conservation and enhancement of the historic environment. It seeks to understand the wider social, cultural, economic and environmental benefits brought by the conservation of the historic environment, as well as the conservation of England's heritage assets in a manner appropriate to their significance. Paragraph 207 states that planning decisions should be based on the significance of heritage assets and that the level of detail supplied by an applicant should be proportionate to the importance of the asset and should be no more than sufficient to review the potential impact of the proposal upon the significance of that asset. Paragraph 215 states that ***“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.***

6. The Appellant's Case

- 6.1 This section of the Hearing Statement sets out the Appellant's case, having regard to housing land supply, the Reasons for Refusal offered by the Council, the representations from interested parties, and the benefits to arise from this proposal.
- 6.2 The key issues are considered to be:
- i. The Housing Land Supply position and its implications for determination of this appeal;
 - ii. Whether there would be a loss of community interest in the existing building and examining any potential adverse effects on its heritage significance. Additionally, assessing the impact of the proposed new build on the character and integrity of the Conservation Area;
 - iii. The potential loss of a community facility and its broader implications for the local community;
 - iv. Determining how the proposal might affect the character and overall visual appearance of the site and its surroundings; and
 - v. Examining whether the proposed development would have any impact on residential amenity.
- 6.3 The Appellant's case as to why this Appeal should be allowed and planning permission granted are set out below in relation to each reason for refusal under the corresponding headings.

Issue i) – Housing land supply

- 6.4 The Core Strategy became 5 years old in December 2014.
- 6.5 The Council's latest housing trajectory and position statement claim that as of 01 April 2023, the Council could demonstrate only a 5.6-year housing land supply against the local housing need.
- 6.6 However, the Council's most recent agreed position, as set out in the Appellants statement of common ground, in respect of appeal APP/K2420/W/23/3332401 (25 March 2024), is that the Council indicated that they could demonstrate a 4.89-year

housing land supply (**Appendix 1**). This figure was also reflected in appeal decision APP/K2420/W/23/3330774 (28 February 2024) (**Appendix 2**).

6.7 In its earlier 'Appeal Procedure Comments' the Council confirm that the publishing of the latest NPPF means that the Council no longer has a five-year housing land supply and therefore the appropriate weight will be given to the provision of the seven market dwellings.

6.8 Within the Councils 'Appeal Procedure Challenge' statement, it is also confirmed at paragraph 8 that it does not have a five-year housing land supply:

"It is noted that the appellant refers to housing land supply as a complex matter that is relevant to this appeal. This is not the case. The publishing of the latest NPPF means that the Council no longer has a five-year housing land supply, as was the case when the application was determined" (**Appendix 3**).

6.9 Whilst the Council hasn't provided an updated position in light of the latest NPPF, the Appellant has taken the Councils housing land supply calculations from its latest published statement and applied the new Standard Method. The table below sets out the implications for the Councils housing land supply.

HBBC 5YHLS Calculation	
Supply	2,415
Standard Method plus 5% buffer	681
5YHLS expressed in years	3.54
Deficit	994

6.10 In light of the foregoing and the lack of an adequate 5YHLS position and the significant shortfall which has been identified, the tilted balance is engaged for this appeal. As a result, the test for determining this appeal is that contained in NPPF paragraph 11d, which sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF, taken as a whole. The degree of harm to any heritage asset is less than substantial, and a public benefits assessment is addressed later in this statement. Nevertheless, paragraph 11d does not disapply the presumption and directs that planning permission be granted.

Assessment Against Councils Reasons for Refusal

- 6.11 In the context of Article 35(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 the Council has offered four reasons for refusing this proposal. These are addressed in turn having regard to the policy framework.
- 6.12 Before making an assessment against the Council's reasons for refusal, it is appropriate to consider the status of the policies to be applied.
- 6.13 The NPPF sets out at paragraph 49 that weight may be given to relevant policies in emerging plans according to three criteria. Each are dealt with below:
- a) *The stage of preparation reached – the more advanced its preparation, the greater the weight that may be given.* The draft Local Plan has not progressed to an advanced stage. Therefore, no weight can be attributed.
 - b) *The extent to which there are unresolved objections to relevant policies – the less significant the unresolved objections, the greater the weight that may be given. Given the early stage of preparation, it is not yet clear what objections will be received to the growth scenarios and plan shaping documents of the draft plan and the extent to which objections will remain unresolved at the point of plan examination presently anticipated for 2027.*
 - c) *The degree of consistency to the NPPF – the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that can be given. At the present time there are no draft policies to assess in relation to consistency with the NPPF.*
- 6.14 These reasons, individually and cumulatively, are such that the draft Hinckley and Bosworth Local Plan can be attributed no weight in this appeal.

Reason for Refusal 1 – Loss of a building of community interest, impact upon Local Heritage and the Conservation Area

- 6.15 The central issue arising from reason for refusal one is the perceived negative impact on the local community and heritage significance. The refusal hinges on the adverse impacts on community value, heritage, and the character of the Conservation Area, which are not considered by the Local Planning Authority to be offset by public benefits.

- 6.16 Reason for Refusal 1 is interpreted as having three separate elements to it:
1. The proposed development would permanently remove the building's longstanding community interest in the existing building;
 2. Adverse impacts upon heritage significance; and
 3. Impacts on the Conservation Area by reason of the new build.

6.17 These elements are addressed in turn below.

6.18 Oddfellows is a non-designated heritage asset (NDHA) which is identified in the Higham on the Hill Conservation Area appraisal as a significant local building. It is described in the appraisal document as follows:

“... built in 1791 as two cottages but in 1862 was converted into one property. It was subsequently purchased by William Webb in 1874 and became a public house. It is thought that the name of Oddfellows is associated with Manchester Unity Oddfellows Club, a Friendly Society whose members contributed when employed and were helped when in need”.

Regarding issue 1, it is acknowledged that the proposal involves converting the building from a public house back into residential use. As outlined in the supporting Heritage Statement (**Appendix 4**), this change would affect only one aspect of the building's local heritage significance. The appeal proposal seeks to both preserve and enhance the building's heritage value by: (i) restoring its original, intended residential use; (ii) replacing an extensive area of unsightly hardstanding car parking; and (iii) removing 20th-century extensions that currently diminish its aesthetic appeal.

6.19 The residential proposal represents a viable optimal use for repairing, enhancing, and sustaining the heritage asset in the long term, exceeding the minimal stewardship responsibilities of the building. Having regard to the evidence prepared by Cambridge Heritage, the proposals comply national, regional, and local legislation, policy, and guidance.

6.20 Turning to issue 2, the local heritage value of the NDHA is comprised of different facets starting with its original role as a late Georgian vernacular building, reportedly constructed as two cottages and later converted during the Victorian era into a public

house. Its second use as a public house forms one element of its local historic interest, but this should be held in the context of the other components and attributes of its heritage value.

- 6.21 Cambridge Heritage has prepared a statement which addresses Reason for Refusal 1 and the impacts upon heritage significance, this is found at **Appendix 4**.
- 6.22 Turning to issue 3, the proposed development has been thoughtfully designed to preserve the character and appearance of the Conservation Area and its setting. Cambridge Heritage has prepared a statement which addresses impact upon the character and appearance of the Higham on the Hill Conservation Area.
- 6.23 The appellant contends that, given the modest scale of the proposed development, the proposals would preserve the character and appearance of the area. In the event of grant of planning permission, the discharge of conditions would allow for final materials and finishes to be agreed with the Council. A detailed analysis is provided by Cambridge Heritage at **Appendix 4**.
- 6.24 The policy test at Policy DM10 is to ensure that development “*complements or enhances the character of the surrounding area with regards to scale, layout, density, mass, design, materials and architectural features*”. It is important to note that point c) of DM10 allows for development to complement or enhance, not both. Notwithstanding this, it is the Appellants view that the proposals do both.
- 6.25 Policy DM11 and DM12 seek the protection and enhancement of the historic environment and Heritage Assets. Having regard to the evidence prepared by Cambridge Heritage, the proposals comply with the policy and the heritage related policies within the NPPF.
- 6.26 The evidence will demonstrate that:
- Considering the current character of the Site, any harm to the significance, character, and appearance of the Conservation Area would be minimal and fall at the lower end of the scale of 'less than substantial';
 - The public benefits of the proposal clearly outweigh any identified low level of harm to the significance, character, and appearance of the Conservation Area;

- 6.27 There would be no harm to the significance of any other heritage assets due to changes in their setting.
- 6.28 As such given the low to limited level of harm (less than substantial) the proposal would cause to the significance of the heritage asset and considering the heritage benefits the proposal attracts; the proposal would be compliant with adopted policy DM11 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the NPPF in this regard.

Public benefit test

- 6.29 Paragraph 215 states that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*.
- 6.30 The appeal proposals will deliver a range of public benefits, which when taken individually or cumulatively, significantly outweigh the very limited less than substantial harm identified by Cambridge Heritage in the statement found at **Appendix 4**. The planning balance is considered later in this statement.

Reason for Refusal 2 – Loss of a Community Asset

- 6.31 The central issue arising from reason for refusal two is the permanent loss of a key community facility. The appellant interprets the Councils position as being that the proposal would remove an essential service or gathering place for the local community.
- 6.32 Policy 12 of the Core Strategy states that *“The Council will: resist the loss of local shops and facilities in rural villages unless it is demonstrated that the business or facilities can no longer operate in a viable manner...”*.
- 6.33 Policy DM25 of the SADMP likewise addresses the issue of losing or re-purposing community facilities. As previously outlined, the policy is structured into three distinct sections: the provision of new facilities, the retention of existing ones, and the loss of current provisions.

6.34 ***“Provision of New Facilities***

The Borough Council will seek to support the formation of new community facilities across the borough. To reduce reliance on the private car, where new facilities are to be established it should be demonstrated that they are accessible to the community which they intend to serve by a range of sustainable transport modes.

Retention of Existing Provision

The Borough Council will resist the loss of community facilities including ancillary areas. The redevelopment or loss of community facilities will only be appropriate where it can be demonstrated that:

- a) An equivalent range of replacement facilities will be provided in an appropriate location within a reasonable distance of the local community; or***
- b) There is a surplus of the facility type within the immediate locality exceeding the needs of the community; or***
- c) The loss of a small portion of the site would result in wider community benefits on the remainder of the site.***

Loss of Existing Facilities

Where replacement facilities will not be provided or a surplus cannot be demonstrated and the scheme would not result in wider community benefits on the remainder of the site, the loss of a community facility would only be considered acceptable where it can be demonstrated that:

- d) The facility has been proactively marketed for a community use for a reasonable period of time at a reasonable marketed rate as supported and demonstrated through a documented marketing strategy.***
- e) It has been offered to the local community for them to take ownership of the facility”.***

6.35 In relation to the Appeal, the proposal does not involve the creation of a new facility; as a result, the initial criterion of Policy DM25 is not relevant.

6.36 Turning to the proceeding criterion of Policy DM25:

a) An equivalent range of replacement facilities will be provided in an appropriate location within a reasonable distance of the local community; or

6.37 While this scheme does not propose a replacement facility, it is important to highlight that the wording of this criterion concludes with 'or.' Therefore, the Appellant's position is that fulfilling this criterion is not mandatory.

b) There is a surplus of the facility type within the immediate locality exceeding the needs of the community; or

6.38 Criterion (b) of Policy DM25 refers to situations where there is a surplus of the specific facility type within the immediate locality. Essentially, if there are more facilities of that type than required to meet the community's needs in the area, the Borough Council may consider allowing the redevelopment or loss of such facilities. The presence of a surplus indicates that the loss of the facility would not negatively impact the community's overall access to similar resources.

6.39 Matters relating to alternative Public Houses available within proximity of Higham on the Hill are further considered in the statement prepared by Fleurets. This is found at **Appendix 5**.

6.40 The closure of the community facility is entirely justifiable in this instance, given that multiple public houses are already available in the surrounding area, with the closest situated just 1.8 miles from the site. A more comprehensive list of public houses/licensed social clubs is provided within the Fleurets report at **Appendix 5**.

6.41 A radius of 2–2.7 miles can reasonably be considered the immediate locality, equating to approximately a 5-minute drive, a 15-minute bike ride, or a 30-minute walk.

Name of Facility	Approximate distance from application site
George and Dragon Public House, Stoke Golding	1.8 miles
The White Swan Public House, Stoke Golding	2 miles
The Longshoot Pub and Carvery	2 miles
Marina Brewers Fayre	2.7 miles

Harvester Yeoman	2.2 miles
The Royal Redgate Public House	2 miles

6:42 Again, it is important to highlight that the wording of this criterion concludes with 'or.'

c) The loss of a small portion of the site would result in wider community benefits on the remainder of the site.

6.42 It is the Appellants position that criterion (c) does not apply, but because of the conditions wording in the subject criterion of (a) and (b), fulfilling criterion (c) is not mandatory.

6.43 'The Loss of Existing Facilities' within Policy DM25 is not ancillary secondary part of the policy, it is the policy test to which this appeal is to be considered. There are two limbs to this policy which allows for the loss of community facilities. Before considered compliance or otherwise against the two limbs it is important to note that there is a lack of clarity within the policy as to whether both limbs need to be met in order to meet policy compliance or whether one of the two limbs need to be met for policy compliance.

d) The facility has been proactively marketed for a community use for a reasonable period of time at a reasonable marketed rate as supported and demonstrated through a documented marketing strategy.

6.44 In terms of marketing, marketing of the property began in September 2018 as confirmed in the marketing report prepared by Everard Cole which is included within **Appendix 6.**

6.45 The premises were marketed with a guide rent of £35,000 per annum, offering a leasehold interest and approaches were made to known pub, restaurant, leisure and commercial retail operators, and distributions of sales particulars to leisure operators and commercial retailers. The property was also subject to widespread 'e-marketing' by being advertised on ten media outlets and 'The Morning Advertiser' (**see Appendix 6.**

- 6.46 In late October 2018 the marketing strategy was amended to incorporate the potential to acquire the freehold, and new separate sales particulars produced to reflect this, and marketing continued on a dual basis, offering both freehold and leasehold options.
- 6.47 The various promotions and advertising generated 38 enquires for use as a public house, with 15 viewings conducted and only two parties interested in continuing the licensed use.
- 6.48 In 2018, an offer for the freehold was received and accepted in November. However, following the nomination of the pub as an Asset of Community Value (ACV) by the Parish Council in October 2018, the buyer's concerns and anxiety about the purchase led them to withdraw their offer.
- 6.49 The property was first listed as an ACV by HBBC 1st December 2018.
- 6.50 An Asset of Community Value is defined as: *"A building or other land is an asset of community value if its main use has recently been or is presently used to further the social wellbeing or social interests of the local community and could do so in the future. The Localism Act states that 'social interests' include cultural, recreational and sporting interests".*
- 6.51 The purpose of an ACV is to allow interested parties within a community to identify a support for the facility and to allow for them to show an interest in the preservation of the use, either through purchase or by working with the current owners to find a solution if one exists. The Asset should not however, be used as a mechanism to simply block a planning approval.
- 6.52 Once listed, if an ACV is advertised for sale, the community has an opportunity to make a bid to purchase the asset. Initially there is a period during which communities can express an intention to bid for an asset, followed by a time frame to prepare their bid. During this period, the owner cannot dispose of the asset. However, the owner is under no obligation to accept the bid – the provisions do not restrict who an owner can sell their property to or at what price, and the community does not have a right of first refusal.
- 6.53 Listing an ACV does not impose any restrictions on what the owner can do with their property while it remains in their ownership. It's important to remember that planning

policy determines permitted uses for specific sites. Nonetheless, the Local Planning Authority may consider the ACV listing as a material consideration if an application for change of use is submitted, taking into account all circumstances of the case.

e) It has been offered to the local community for them to take ownership of the facility

- 6.54 Turning to criterion (e) of Policy DM25, there have been numerous discussions with the local group STOP (Save The Oddies Pub) since December 2019. The Appellant has actively engaged and can clearly demonstrate that they have been actively trying to communicate with the community group over the past seven years, but no tangible progress has been made in reinstating the property into a viable community use, nor has there been a satisfactory conclusion on its purchase.
- 6.55 It should be noted that the appellant has followed the correct procedural path and has taken all reasonable steps to market the property in its current use in accordance with Policy DM25.
- 6.56 The site is not currently for sale, and thus the provisions of the ACV are not applicable. However, out of goodwill, the applicant has been collaborating with the community group and the LPA to reach a mutually acceptable agreement that will enable the transfer of the facility to the community.
- 6.57 Over the past five-plus years, there has been no significant progress in restoring the property to a functional community use. Throughout this period, the condition of the property has deteriorated, making it crucial to bring the building back to a viable state.
- 6.58 Due to the specific circumstances, the property is no longer classified as being in 'community use'. Therefore, it is argued that the application should be assessed based on the conversion of existing buildings into two dwellings and the construction of five new dwellings.
- 6.59 A report provided by Fleurets provided an economic viability assessment of a purchaser of the property if in the open market for sale, reintroducing and thereafter sustaining the use of the property as a public house. Fleurets has prepared a statement which demonstrates that reintroducing and maintaining a public house at the

Oddfellows would not be a financially viable or prudent venture. This is found at **Appendix 5**.

- 6.60 It is claimed that the pub had been struggling for several years, with meagre trade from the village making it an unviable business. The premises also closed previously (in 2009), as confirmed within the Higham on the Hill Conservation Area Management Plan. This suggests that the public house has struggled to trade over a prolonged period. Additionally, the declining popularity of 'drinking out' has inevitably put strain on pubs.
- 6.61 The fact the building is locally listed should also not be overlooked. Indeed, this heritage asset needs significant and immediate works undertaken to preserve and restore its condition. The matter of preservation and restoration of the building, in our mind, should be at the forefront of any planning decision for this site and in order that the building does not fall into a further state of disrepair it would be prudent for a permission for an alternative use to be granted at the earliest opportunity.
- 6.62 In compliance with the requirements of the Asset of Community Value listing on the property, the Council and Appellant have kept the local community up to date with the proposed redevelopment of the site, and more than sufficient time has been given for the community to demonstrate a commitment to purchase the site from the appellant to continue the public house use.
- 6.63 Since 2019 the Appellants have worked tirelessly to try and reach a compromise on the sale of the site. Figures which have been put forward to the Appellant for the purchase of the site are included within **Appendix 7**.
- 6.64 While there may be a community aspiration to reopen the public house, there is insufficient evidence to suggest that this would be feasible, even if the community were to acquire the property, which is uncertain. No robustly evidenced alternative proposal to reopen the public house has been demonstrated.
- 6.65 In this specific case, the public house has been closed since 2018, with site-specific evidence demonstrating that the cost of refurbishment, the size of the village, and the presence of competing facilities nearby render the future reuse of the building as a village public house unviable.

- 6.66 While acknowledging the local community's aspirations to take over the public house, the evidence provided in support of the appeal also demonstrates that the property has been marketed at a reasonable and fair market value, with no bids matching the value determined by independent Chartered Surveyors. As a result, there is no realistic prospect of the site being reused as a public house.
- 6.67 To conclude in relation to reason for refusal number 2, the Appellants position is that there is a surplus of the facility type within the immediate locality exceeding the needs of the community, the facility has been proactively marketed for a community use for a reasonable period of time, at a reasonable marketed rate, and furthermore the Appellant has engaged with the local community over a protracted period to establish whether it would take ownership of the facility.
- 6.68 Whether or not both limbs of Policy DM25 apply, or only one of the limbs of the policy should apply, the appeal proposals are in accordance.

Reason for Refusal 3 – Character and Appearance

- 6.69 The Council allege an adverse impact on character and appearance by reason of scale, massing and being incongruous.
- 6.70 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 6.71 Whilst the appeal scheme will undoubtedly bring changes, these changes are not harmful or detrimental to the local character and context. Instead, the appeal scheme would enhance and positively contribute to the local character by replacing poor-quality extensions and developing buildings of high-quality design that seamlessly integrate into their surroundings.
- 6.72 The frontage of the site will preserve the historic element of the public house and provide a new access point from Main Street. A rear extension is proposed to provide the necessary accommodation, along with off-road parking and a large rear garden. This design maintains views through the site, preserving the identified protected view from the Conservation Area.

- 6.73 The layout offers a variety of house types with traditional vernacular appearances, using a mix of materials (brick and render) that will complement the detailing and appearance of the surrounding buildings. In the event of grant of planning permission, the discharge of conditions would allow for final materials and finishes to be agreed with the Council.
- 6.74 The scale of the development will align with the height of the surrounding buildings. The development will primarily consist of two-storey dwellings, with some single-storey elements to break up the mass. Design considerations to avoid overlooking and loss of privacy for adjacent dwellings were of utmost importance.
- 6.75 The mass and scale of the extensions to the converted public house building are considered appropriate for the area. The architectural detailing, including chimneys, eaves, verges, windows, heads, and cills, is suitable for this location. The former public house is three storeys high, so the two-storey extension will be subservient. The public house will be retained as the focal point of the site.
- 6.76 The car park to the rear of the site makes no meaningful contribution to the sites special interest or the character and appearance of the Conservation Area. Modern dwellings are apparent to the rear of the site. The scale and appearance of the proposed dwellings would replicate the properties nearby. Plot 3 would infill the existing gap in the street scene, continuing the established building line.
- 6.77 Matters relating to the impact upon the landscape of the surrounding area are further considered in the statement prepared by Cambridge Heritage. This is found at **Appendix 4**.
- 6.78 The development would significantly enhance the building which is a non-designated heritage asset and its setting, as well as the wider Conservation Area. This includes the removal of the rear car parking area and unsightly modern extensions, along with the introduction of sensitively designed residential properties and landscaping/boundary improvements.
- 6.79 This scheme represents the right form of development, in the right location, as such, it is the Appellants position as set in evidence that the proposals accord with Local Plan policies and the National Planning Policy Framework.

Reason for Refusal 4 – Residential Amenity

- 6.80 Reason for refusal four relates to the application failing to provide an adequate level of amenity to plot 1. The Council's allegation to inadequate amenity relates solely to future occupiers not having a satisfactory outlook. No other issues identified by Council.
- 6.81 Policy DM10 also requires that the proposal would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 6.82 The Good Design Guide SPD (2020) aspires to sustainably raise design quality in Hinckley and Bosworth Borough whilst ensuring that the local identity and heritage of the Borough is preserved and enhanced.
- 6.83 In terms of interface distances, the Council do not consider the spatial separation distance between plots 1 and 7 to be sufficient at 11m. Whilst the guide stipulates a desired separation distance of 14m. It is the Appellants view that the distance stipulated within the Council design Guide, is only a guide; ***“A principal window to a habitable room should ideally not be less than.... 14m for a two-storey property and above.... An exception to this rule is in an urban location where it may be acceptable to have a reduced distance where issues of amenity and overlooking are dealt with by good design”.***
- 6.84 While the separation distance outlined in the Council's design guide is not fully met, the Appellant maintains that adherence to this standard holds greater significance when addressing the relationship between an existing dwelling and a new one. We consider the guidance to be aspirational rather than prescriptive, as indicated by the use of the term "ideally." Furthermore, the interface in question pertains to future occupiers rather than impacting the amenity of an existing property.
- 6.85 Taking into account the Design Guide, the scheme has been designed to ensure that there would be no adverse impact upon future residents, with acceptable front to back distances between properties. The proposed layout will not result in any overlooking between plots.
- 6.86 It is the Appellants position that the residential development is appropriate for its location and adequate separation distance is provided. The scale, siting and

orientation of the proposed buildings are such that no material harm would result to the living conditions of future occupiers. The development therefore complies with design policy DM10, the Good Design Guide SPD and the NPPF.

Interested Parties Representations

6.87 This section of the Hearing Statement sets out responses to the interested party representations at application stage. The Appellant reserves its position to add to this in relation to consultation responses received at appeal stage.

Topic	Summary of Comments	Appellant Response
ACV	The Council should be enhancing the community asset. The need for a village pub as a community centre outweighs the need for extra housing. This development would destroy an ACV; Lack of engagement from the applicant to purchase the property; Grant funding has been secured in the form of a Public Works Loan; STOP/Higham CBS has developed a business plan for the purchase.	The proposal respects the community asset and aims to enhance it. The applicant has engaged with the community and sought opportunities to purchase the property. The need for housing has been considered alongside the benefits of retaining a community pub. The applicant has never been provided with a copy of the business plan for the purchase, nor has evidence of secured funds been provided.
Highway	Too much traffic in the village; The development would increase traffic usage.	A comprehensive traffic impact assessment has been conducted. Measures to mitigate traffic impact.
Identity	Higham needs to retain its identity as a country village.	The proposal has been carefully designed to maintain the villages rural character and identity. Efforts have been made to preserve the aesthetic

		and cultural significance of Higham.
Lack of services and facilities	The village garage has closed, the Fox Inn, the Post Office and the corner shop; Unreliable bus service.	The closure of other services in the village further demonstrates the decline in their use and that they were not viable.
Conservation Area and Heritage	The proposal would be detrimental and unsympathetic to the Conservation Area; Impact on views; The proposal disregards the significance of preserving the architectural heritage (priest hole in cellar)	The development has been designed with consideration for the Conservation Area and heritage. Efforts to minimise visual impact have been incorporated into the design.
Building	Building has deteriorated and has not been maintained; Use of uPVC window is not appropriate	Traditional materials, appropriate for the heritage context will replace any unsuitable modern materials.
Right of Access	No recognition on plans of the access to the recreation ground. Parish Council have a right of access	The plans were revised to include and recognise the right of access to the recreation ground for the Parish Council.
Planning Policy	The proposal does not promote sustainable development	The development meets sustainable development criteria by incorporating sustainable materials and green spaces.
Housing	The village does not need more housing	The proposal responds to the broader housing needs identified in the Local Plan while considering the local context and impact on the village.

Social requirement	The opportunity to address social isolation and loneliness will be lost.	The pub has been closed for a number of years now.
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Benefits to Arise

6.88 There are a range of benefits directly related to this proposal. These reflect the economic, social and environmental dimensions to sustainable development. These are considered below.

Benefit 1: Development would be delivered within the next 5 year period in the context of the Council's current housing land supply being significantly below 5 years.

The Appeal Scheme is deliverable. The Appellant has a demonstrable track record in seeking without any exception, to disposing for development all of the sites it acquires and for which it obtains planning permission.

Examples of recent development underway or having been undertaken by the Appellant include the following:

LPA	Site address	Application Ref	Description of development	Status
Hinckley and Bosworth Borough Council	Laburnum Gardens. Laburnum Cottage High Street Stoke Golding Nuneaton	17/00484/FUL	Demolition of garage and erection of 5 dwellings with access and provision of community orchard	Completed 2021
South Derbyshire District Council	Manor View Gardens, Derbyshire	9/2018/0944	The variation of condition 15 attached to planning permission ref: 9/2015/0029 (relating to the erection of 10 dwellings with a new access and open space) to	completed 2022

			amend the design and layout of the proposed dwellings and parking	
Nuneaton and Bedworth Borough Council	McArthur Gardens. 99 Woodlands Road, Bedworth, CV12 0AD	037609	Erection of 9 dwellings including associated infrastructure	Last plot remaining
Hinckley and Bosworth Borough Council	Orton Park. Land west of 254 Orton Lane, Twycross	21/00203/FUL	Residential development of 16 dwellings including surface water attenuation basin (Revised scheme 19/00798/FUL)	Due to complete 2026
Hinckley and Bosworth Borough Council	Chapel Lane. Land off Chapel Lane, Witherley, CV9 3LR	23/00311/FUL	Proposed construction of 5 detached dwellings with associated garages, parking provision, access and landscaping	Start on site due summer 2025
Nuneaton and Bedworth Borough Council	Tunnel Road. Rear of 89-169, Tunnel Road, Nuneaton	039628	Erection of 14 dwellings with associated infrastructure and access road	Start on site due end of 2025

In the event that planning permission is granted, this proposal will come forward.

Paragraph 70 of the NPPF advocates that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built relatively quickly, as can be demonstrated by the above examples.

In light of the significant shortfall in housing land supply - which the Council accepts - and the inability for the Council to rely upon the plan making process in order to rectify the acknowledged shortfall, every effort should be made to support proposals which bring housing forward without delay.

Benefit 2: Social benefit from providing 7 market homes in a variety of sizes and types including family dwellings.

The scheme as a whole has the potential to deliver a balanced mix of unit sizes, which positively supports the provision of diverse housing options across the Borough. By integrating both conversions and new constructions featuring various housing types, sizes, and orientations, the scheme will offer a well-rounded array of development.

Benefit 3: Heritage benefits of the development as a result of the improvements to the locally listed building

Enhancing the locally listed building will bring several benefits, such as heritage preservation and cultural identity, helping to uphold and strengthen the area's unique character. Additionally, sustainable development is promoted by repurposing and improving existing structures, which reduces the need for new construction. This approach helps conserve resources and minimize environmental impact. By investing in the development and enhancement of a non-designated heritage asset, the scheme contributes to preserving the past while fostering a vibrant and sustainable future for the community.

Benefit 4: Environmental benefits of the development as a result of the enhancement and provision of landscape and ecological features

The proposals represent a visually attractive development, which has been designed not only to add to the overall quality of the area, but aimed at restoring a neglected property with a redundant use and repurposing it for a beneficial future. They can be seamlessly integrated into the landscape and settlement edges of Higham, preserving and enhancing the character of the area. Additionally, the scheme will deliver notable ecological benefits and improvements while conserving key landscape features.

Benefit 5: Economic benefits flowing from the construction and operational phases of the development.

The economic objective of sustainability focuses on fostering a robust, responsive, and competitive economy. This entails ensuring the timely availability of land in suitable locations to support growth, innovation, and enhanced productivity, alongside the strategic coordination of infrastructure provision.

Housing development is a key driver of economic activity, contributing significantly to both the national and local economies. The economic benefits include capital investment, construction-related expenditure, employment generation (both direct and indirect), and enhanced revenue streams for local and national governments.

Direct capital investment will be realised through activities such as land acquisition for housing, construction of the development, and the subsequent sale of new homes. These activities generate economic benefits across multiple sectors, including finance, planning and design, construction, materials, and property sales.

In terms of employment, housebuilding plays a pivotal role in supporting jobs across the economy. Direct and indirect jobs, span across roles within housebuilding firms, contractors, and throughout the supply chain—such as financial institutions, professional service providers, and materials suppliers.

Benefit 6: Development would make efficient use of previously developed land, contributing to sustainable development objectives.

- **Efficient Land Use:** It promotes the effective use of land by prioritising areas that have already been built upon, reducing the need to encroach on undeveloped "greenfield" sites;
- **Sustainability:** Utilising brownfield land aligns with sustainable development goals by regenerating utilised areas;
- **Environmental Gains:** Improving environmental quality and creating opportunities for ecological enhancements;
- **Planning Policy Support:** The NPPF gives substantial weight to the reuse of brownfield land.

The Planning Balance

- 6.89 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications and appeals are to be determined in accordance with the Development Plan unless material considerations suggest otherwise.
- 6.90 The appeal proposals have been the subject of a detailed assessment against the relevant policies of the Development Plan, including:

Core Strategy (2009)

- Policy 12: Rural Villages

Site Allocations and Development Management Policies DPD (2016)

- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM25: Community Facilities

- 6.91 Through the various planning applications submitted on the appeal site, the design has evolved in order to respond positively to the Policy Framework, constraints and opportunities presented, and statutory and non-statutory consultation responses.
- 6.92 As set out above, the proposals align with the Development Plan and represent an excellent scheme that brings forward a carefully considered design, balancing local needs and delivering benefits to the community. This exemplary approach demonstrates a commitment to quality and sensitivity to the local context.
- 6.93 The Appellant has also assessed the appeal proposals against non-statutory supplemental guidance. Supplementary guidance for planning, such as Supplementary Planning Documents (SPDs), is not statutory. While SPDs are used to provide further details and context to policies within statutory development plans, they themselves do not carry statutory authority.
- 6.94 The Design guide is a flexible document, providing guidance for development. The Councils website does not provide any status of the Design Guide, it is not clear the extent to which the guidance was subject to public consultation, nor was it amended to respond positively to comments received. The cover page to the document does not expressly indicate that the Council have adopted the Design Guide.
- 6.95 Any policy conflict were it to occur in this appeal, would only relate to non-statutory, non-adopted design guidance, which its self makes clear that it provides guidance only and is to be interpreted any such policy breach therefore is not a breach of a Development Plan.
- 6.96 On that basis, the Inspector is invited to allow the appeal given the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, which makes clear

that applications and appeals should be determined in accordance with the Development Plan.

- 6.97 In the alternative, if the Inspector were to conclude that a) there is a breach of Design Guide; and b) that breach constitutes a breach of the Development Plan, it is then necessary to undertake a planning balance assessment.
- 6.98 This is a tilted balance assessment having regard to Paragraph 11(d) of the NPPF, in circumstances such as this where the Council cannot demonstrate a 5-year housing land supply of deliverable sites. The absence of an adequate housing land supply underscores the pressing need for sustainable growth to meet housing demands, support economic development, and provide much-needed homes for the community. Delivering new housing is essential not only to address the current shortfall but also to ensure future resilience, promote balanced growth, and foster a strong, vibrant, and inclusive local economy. This proposal offers an opportunity to make a meaningful contribution towards meeting these critical objectives.
- 6.99 The test is to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF when taken as a whole.
- 6.100 To summarise, the benefits of the proposed development are as follows:
- **Benefit 1:** Development would be delivered within the next 5 year period in the context of the Council's current housing land supply being significantly below 5 years.
 - **Benefit 2:** Social benefit from providing 7 market homes in a variety of sizes and types including family dwellings.
 - **Benefit 3:** Heritage benefits of the development as a result of the improvements to the locally listed building
 - **Benefit 4:** Environmental benefits of the development as a result of the enhancement and provision of landscape and ecological features
 - **Benefit 5:** Economic benefits flowing from the construction and operational phases of the development.
 - **Benefit 6:** Development would make efficient use of previously developed land, contributing to sustainable development objectives.

6.101 The benefits have been set out above. These benefits should be attributed weight as follows:

- Provision of open market housing: **very significant weight**
- Social benefits: **moderate weight**
- Heritage Improvements: **significant weight**
- Economic benefits: **moderate weight**
- Environmental benefits: **significant weight**
- Sustainability benefits: **significant weight**

6.102 Set against these benefits, the following harms to arise from the appeal proposals:

- Policy conflict (guidance)

6.103 No other harm will arise from the appeal proposals. These harms should be attributed weight as follows:

- Policy harm: **minor**

6.104 The identified harm does not significantly and demonstrably outweigh the benefits of the appeal proposal. Indeed, to the contrary, the benefits of this scheme are numerous and substantial, and more than significantly outweigh the minor policy harm.

6.105 The planning balance is also considered when determining whether the public benefits surpass the limited, less-than-substantial harm to heritage matters. It is concluded that the benefits—extensive and significant in scale—clearly outweigh the limited harm, thereby meeting the public benefits test.

6.106 The site has remained stagnant, with no realistic prospect of being put to beneficial re-use for an extended period. The Appellant has made considerable efforts to collaborate with the community in exploring a scheme that could incorporate the pub; however, it has now become evident that such an approach is not viable. Consequently, redevelopment of the site has emerged as the most appropriate solution to serve the broader interests of the community by addressing its pressing need for housing.

7. Summary and Conclusions

- 7.1 This Section 78 appeal is lodged by A R Cartwright Ltd, the Appellant. It relates to Hinckley and Bosworth Borough Council's decision to refuse a planning permission for residential development for 7 dwellings – the conversion of the existing building into 2 dwellings and 5 new build properties.
- 7.2 This Hearing Statement has provided a summary of the appeal proposals, the reasons for refusal arising from the delegated officer's decision.
- 7.3 Relevant planning policy has been set out. Insofar as the reasons for refusal referred to within the Decision Notice and their relationship with the appeal site in the context of the appeal proposals.
- 7.4 The Appellant's case is then set out.
- 7.5 The five-year housing land supply position is a highly material consideration, and it is common ground that the Council is unable to demonstrate a rolling five-year housing land supply. The Council accept that Paragraph 11d of the NPPF is engaged.
- 7.6 An assessment of the appeal proposal is made against the Council's reasons for refusal.
- 7.7 There is engagement in this proposal from interested parties. Consideration is given to the various topics raised by interested parties.
- 7.8 The Hearing Statement considers the benefits to arise from this proposal, and these are wide ranging including in relation to the delivery of open market housing, heritage benefits, economic benefits and environmental benefits.
- 7.9 A planning balance assessment is undertaken, as a tilted balance assessment given the Council is unable to demonstrate a five-year housing land supply. The harms do not significantly and demonstrably outweigh the benefits.

- 7.10 The proposed development is fully compliant with the criteria set out in the Development Plan Policies and the NPPF. The proposed change of use of the Public House represents a sustainable form of development that will secure a long-term viable future for this locally Listed Building. The Appellants have conducted an extensive marketing exercise. Furthermore, they have exceeded these requirements by allowing local community groups additional time to present a realistic offer to purchase the building.
- 7.11 The application proposal meets the requirements of the relevant policies of the Development Plan. The site is sustainable and accessible in terms of its location, the use of previously developed land, and its status as a historic building. The provision of additional housing is a significant benefit, helping to meet the demand for housing. The heritage benefits identified by the appellant in their submission clearly demonstrate that they outweigh the limited heritage harm. There would be no adverse impacts on highways, drainage, neighbouring amenities, biodiversity, trees, or the landscape.
- 7.12 The conclusion reached is that the appeal proposals should succeed, and planning permission be granted.

APPENDIX 1 – Appeal Decision Notice (APP/K2420/W/23/3332401)



Appeal Decision

Inquiry held on 5 – 6 March 2024

Site visits made on 4 and 6 March 2024

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2024

Appeal Ref: APP/K2420/W/23/3332401

Land adjacent to Lockey Farm, Hunts Lane, Desford, Leicestershire, LE9 9LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Jelson Ltd against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 23/00061/OUT, dated 13 January 2023, was refused by notice dated 4 September 2023.
 - The development proposed is residential development of up to 100 dwellings including provision of public open space, associated infrastructure, all matters reserved except for access.
-

Decision

1. The appeal is allowed and outline planning permission is granted for residential development of up to 100 dwellings including provision of public open space and associated infrastructure at land adjacent to Lockey Farm, Desford, Leicestershire, LE9 9LJ in accordance with the terms of the application, Ref 23/00061/OUT, subject to the conditions set out in the Annex A.

Procedural Matters

2. The application was submitted in outline with all matters reserved for future consideration except for access. I have determined the appeal on this basis, treating the plan which shows a potential site layout as illustrative. However, the reference in the description of development to what matters are reserved is superfluous and so I have omitted this from my formal decision.
3. The application had a single reason for refusal which referred to the impact of the proposal on both highway safety and highway capacity. However, the Council confirmed at the Case Management Conference and in the Statement of Common Ground (SoCG) that they would not be contesting the reason for refusal insofar as it relates to the residual cumulative impact on the local road network. I have determined the appeal on this basis.
4. A draft agreement under Section 106 of the Town and Country Planning Act 1990 was submitted by the appellant as part of the Inquiry documentation and the agreement was discussed at the Inquiry. As agreed during this discussion the signed and executed Deed was submitted after the close of the Inquiry. I will return to the agreement later in my decision.

Main Issue

5. The main issue in the appeal is the effect of the proposal on highway safety.

Reasons

Planning Policy Context

6. The appeal site comprises an arable field. It lies outside, but adjacent to the settlement boundary for Desford as defined in the *Site Allocations and Development Management Policies Development Plan Document (adopted July 2016)* (SADMP) and so is defined as being in the countryside.
7. Policy 7 of the *Core Strategy Development Plan Document (adopted December 2009)* (CS) supports housing developments within the boundary of Desford which it defines as a Key Rural Centre. Outside of settlement boundaries Policy DM4 of the SADMP sets out the types of development that may be acceptable in the countryside. It is not disputed that the proposal would not be for any of these. Policy H1 of the *Desford Neighbourhood Plan 2018 – 2036 (made May 2021)* (DNP) indicates that outside the settlement boundaries development will be controlled in line with local and national policies. As such, the proposal is contrary to these policies.
8. Given the uncertainties with regard to the housing requirement figure for the DNP which I will discuss further below, Policy H3 of the same allocates the site as a reserve site for housing development. The policy indicates that if by 31 December 2022 no replacement Local Plan for the Borough has been adopted, applications for housing development on the site should be determined on the evidence available at the time. It is agreed in the SoCG that the proposal complies with Policy H3 of the DNP and that compliance with this policy overrides the conflict with CS Policy 7, SADMP Policy DM4 and Policy H1 of the DNP.
9. As a result, conformity or otherwise with Policy DM17 of the SADMP which deals with highways and transportation matters is the only policy disputed by the main parties.
10. In addition, in the SoCG it is agreed that due to the age of the development plan, the changes in national policy since it was adopted, the changes in circumstances regarding development needs and requirements since it was adopted and inconsistencies between the development plan and the *National Planning Policy Framework* (the Framework) the policies which are most important in determining the appeal are out of date. As a result, it is agreed the 'tilted balance' in paragraph 11 d) of the Framework is engaged.
11. The Council are currently in the process of producing a new Local Plan (LP) for the Borough. They undertook consultation on a pre-submission version of this in February 2022. This allocates the site for housing and amends the settlement boundary to include the site. However, as set out in the recently revised Local Development Scheme, they are no longer progressing this plan as they accept the need to address unmet housing needs from Leicester City Council. It is expected that a new "Regulation 19" plan will be consulted on early next year and adoption will be in 2026. As such, no weight can be given to the LP and I consider it no further in my decision.

Highway safety

12. The vehicular and pedestrian access for the proposed development would be taken from Hunts Lane. This is a single carriageway road which in the vicinity of the site frontage is currently subject to a 40mph speed limit. This changes to 30mph around 25m to the east of the site. As part of the appeal scheme, it is proposed to move the gateway feature and the reduction in speed limit approximately 140m to the west.
13. The current access to the field is a Public Right of Way and provides vehicular access to Lockey Farm and slightly further to the west of this is the vehicular access to the adjacent allotments. Directly opposite the site is a small car park for the cemetery and a bit further to the west there is a lay-by that also serves as parking for this. As a result, vehicles slowing down and turning manoeuvres are not uncommon on this stretch of road. Despite these occurring in a 40mph speed limit area, the accident data for this stretch of road shows no existing road safety issues.
14. It is proposed that the development would be served by a new simple priority junction with Hunts Lane which would replace the current farm access. The design and geometry of the proposed junction accords with the *Leicestershire Highways Design Guide* (LHDG). It is also proposed to increase the width of the existing footway on Hunts Lane to the east of the site to 2m up to the existing 2m wide pavement. As a result, the proposal would provide a safe access for pedestrians going towards Desford, including to the primary school and recreation ground/ play area on Kirby Road. As these are both within recommended walking distance of the site, the proposal is not likely to significantly increase traffic on Kirby Road.
15. Whilst the Council had raised some concern in their appeal statement regarding whether adequate visibility could be provided, at the Inquiry it was agreed that the evidence provided by the appellant in their rebuttal proof of evidence had addressed their concerns. Notwithstanding the dip in the road to the west of the site, it was agreed that adequate visibility would be provided at the proposed junction. From the evidence before me and what I saw at my site visit, I see no reason to disagree with this conclusion.
16. Whilst it was also agreed at the Inquiry that the provision of a right turn ghost lane was not necessary, the Council considered that centre line hatching should be provided so that there would be a refuge area created for vehicles turning right into the site. The carriageway would need to be widened to enable this, but there is sufficient land within the highway boundary to achieve this.
17. The LHDG does not provide any guidance as to when such refuges should be provided. Both the *Design Manual for Roads and Bridges* (DMRB) and *Manual for Streets 2* (MfS2) provide some guidance as to when a right-turn lane should be provided.
18. DMRB provides some guidance in Figure 2.3.1 as to approximately when priority junction provision should be provided on single carriageway roads. This indicates that the provision of a ghost island could be required for the proposed development. However, DMRB relates to trunk roads and so is not specifically applicable to the proposal. In addition, MfS2 highlights that junctions will “often [be] able to cater for higher levels of turning traffic without resulting in significant congestion”.

19. The appellant's capacity assessment, the findings of which are not disputed by the Council, shows that vehicles will not wait any significant length of time to turn right into the site. As a result, such movements would not cause undue delays to the free flow of traffic on Hunt's Lane. Therefore, there is no capacity-related reason to provide centre line hatching.
20. Moreover, given it is agreed adequate visibility splays can be provided for the proposed junction, there is no visibility related reason to provide central line hatching, as drivers will be able to clearly see the new junction. As highlighted above, this is already a stretch of road, where turning movements are carried out due to the other existing accesses in the area, so vehicles turning at this point would not be an altogether unexpected movement, even if the proposal would increase the frequency of such manoeuvres.
21. To this end, I note that neither the local highways authority nor the Road Safety Audit carried out for the proposal considered that centre line hatching would be necessary.
22. In addition, MfS2 indicates that the provision of centre line hatching can have the effect of increasing speeds which would not be desirable. By increasing the width of the road, it can also make it harder for pedestrians to cross. Whilst the number of pedestrians seeking to cross the road at this point may be limited, the Public Right of Way is clearly popular with dog walkers. Such users who live to the north of Hunts Lane or who have used the adjacent car park would be likely to cross the road at this point – something I observed on my site visits.
23. The swept path analysis diagrams show that large vehicles such as refuse wagons entering and exiting the site will encroach over the carriageway centreline. As the junction conforms to the LHDG for residential accesses it is clear that the highway authority accepts that this will happen in a residential setting without such movements giving rise to unacceptable safety issues. The appellant highlighted that such movements already occur at many junctions in settlements across the Borough and County without causing safety concerns. The moving of the 30mh speed limit and the gateway feature to the west of the site means the site would have a similar context to these other junctions.
24. Evidence from the appellant, which was not disputed by the Council, shows that the proposed development would not generate a significant number of HGV movements. Whilst HGVs may need to wait to enter and exit the site should other vehicles be using the junction, given the findings of the capacity assessment, any wait to do this is unlikely to be for a significant length of time.
25. Moreover, as the adjacent housing that faces towards Hunts Lane is set back some distance from it and has its own service road, I consider it is unlikely that other drivers would assume a refuse wagon that may have had to stop on the carriageway whilst waiting to enter the site had stopped to empty bins and so try and overtake it.
26. Therefore, the need for HGVs to overrun the carriageway centre line would not result in any unacceptable highway safety issue. Whilst the provision of centre line hatching may alleviate the overrunning in certain turning movements, the benefits would be limited. In any case, as I consider that such overrunning would not result in unacceptable highway safety issues, this matter does not justify the need to provide centre line hatching.

27. Overall, I consider that centre line hatching is not needed either for capacity or safety reasons, and without it the proposed development would still have a safe and suitable access for both vehicles and pedestrians.
28. All in all, I consider that the proposed development would not have an unacceptable impact on highway safety. Accordingly, there would be no conflict with Policy DM17 of the SADMP which requires proposals to demonstrate that they would not cause a significant adverse impact on highway safety. It would also accord with paragraphs 114 and 115 of the Framework which require developments to achieve a safe and suitable access for all users and not cause an unacceptable impact on highway safety.

Other Matters

Need for housing

29. Local residents indicated that Desford had already provided sufficient housing particularly in relation to the 'requirement' for 163 new houses in the DNP. However, the examiner of the DNP did not consider that the figure of 163 was a requirement figure that satisfied what at the time was paragraphs 65 and 66 of the Framework (now paragraphs 67 and 68) and that the matter of housing requirement for the village should be left to be determined in the LP.
30. It was to address the uncertainties in the housing requirement figure for the village that the Examiner considered that reserve sites for housing should be included in the DNP. Whilst not housing allocations, the Examiner assessed the appeal site and another site and concluded they would be appropriate for housing development.
31. As set out above, Policy H3 of the DNP indicates that if by 31 December 2022 no replacement Local Plan for the Borough has been adopted, applications for housing development on the site should be determined on the evidence available at the time. There is nothing in the policy that indicates the development of the site should only take place if there is a specific need for new housing in Desford. Nor that their development should only take place after the DNP has been reviewed.
32. As a result, I consider that the figure of 163 in the DNP does not represent a requirement figure for Desford and the development of the site and the contribution it would make to housing delivery should not be judged against whether this figure has already been exceeded or not, but "on the evidence available at the time".
33. Whilst I appreciate that local residents may prefer that development took place on the eastern side of the village, the Examiner for the DNP assessed this site as being suitable for housing development.

Housing Land Supply

34. The Council indicated that they could demonstrate a 4.89 year housing land supply. In the light of paragraph 226 of the Framework and the position with the LP it was discussed at the Inquiry whether a 4 or 5 year housing land supply needed to be demonstrated. As the Council were not proceeding with the LP that has been subject to pre-submission consultation, they considered that the provisions of paragraph 226 did not apply and so they needed to be

able to demonstrate a 5 year supply. This was the position adopted in the recent appeal decision¹ I was referred to in Ratby.

35. However, as set out above, irrespective of this the main parties agree that the tilted balance of paragraph 11 d) of the Framework is engaged. As such, I have considered this no further in my decision.
36. It was argued by local residents that if the tilted balance is engaged then the provisions of paragraph 14 should be applied. Nevertheless, for reasons set out in this decision I consider that the proposal would not conflict with the DNP, nor does the DNP have an identified housing requirement in line with paragraphs 14b, 67 and 68 of the Framework. As a consequence, this paragraph is not engaged in this case.

Other highway and accessibility issues

37. In line with its designation as a Key Rural Centre, Desford has a good range of services and facilities to meet the day to day needs of residents, the majority of which are within walking and/or cycling distance of the appeal site. Bus stops, which provide an hourly service to Leicester and Market Bosworth are also located near the site on Hunts Lane. I am therefore satisfied that future residents would not be solely reliant on the private car to meet their everyday needs.
38. It has been suggested that the proposal would exacerbate existing congestion within Desford. However, the highway authority has considered the modelling work undertaken by the appellant and is satisfied that the highway network within the village would continue to operate within capacity. Whilst there is limited parking available at many of the services in the village, the development is within easy walking distance of many of these and so it would not necessarily exacerbate any existing parking issues.
39. It is proposed that the existing Public Right of Way and right of access to Lockey Farm will be retained on their current alignment. The illustrative layout shows a green corridor along this edge of the site which would ensure it remained an attractive route.

Local Infrastructure

40. It has been suggested that local facilities such as doctors and schools are already full. As set out below a planning obligation has been provided which provides a financial contribution related to the additional educational and healthcare demands the development would create.

Character and appearance / Landscape impact

41. The application was accompanied by a Landscape and Visual Appraisal (LVA), the methodology and conclusions of which are accepted by the Council. The proposal would result in the loss of an agricultural field and clearly the proposed development would alter the character of the site. However, the LVA concludes that due to the topography and vegetation in the area, the effects will be localised to the site and its immediate context. Although the landscaping and layout of the site are to be finalised at reserved matters, extensive green infrastructure is proposed as part of the development. As a consequence, it is

¹ Appeal reference APP/K2420/W/23/3330774

concluded that the landscape effects would be minor/adverse at completion, reducing to minor/negligible over time. From my own observations I see no reason to disagree with this conclusion

42. Given the distance that would remain between the edge of the site and Newbold Vernon to the west I am satisfied that the development would not have any detrimental impact on the separate identity of these two villages. The development would be seen in the context of the existing modern housing development on the western edge of the village, and so I consider it would not be detrimental to the rural character of the village. In addition, the wider agricultural setting of the village would be retained.
43. CS Policy 16 requires residential development in or adjoining Key Rural Centres to achieve a density of at least 30 dwellings per hectare. Should the development be for 100 houses, it would achieve a density of 35 dwellings per hectare and so it would accord with this policy. Furthermore, the illustrative layout shows this level of housing can be achieved whilst still providing extensive green infrastructure on the site. As a result, the site would not appear over-developed.

Ecology

44. The proposal was accompanied by an Ecological Appraisal that assessed the nature conservation interest of the site. This concluded that the development would not have an unacceptable impact on ecology. It is largely proposed to retain and strengthen existing trees and hedgerows around the site. In addition, it was confirmed at the Inquiry that the proposal would achieve biodiversity net gain. In the absence of any substantive evidence to the contrary I see no reason to conclude differently.

Living Conditions

45. The layout and design of the scheme are not to be determined at this stage. Therefore, it is at the reserved matters stage that issues affecting the living conditions of adjacent residents such as privacy and noise would be considered. Nonetheless, the illustrative plan shows that adequate separation distances could be provided between existing and proposed houses. I consider that a scheme could be designed that would not cause any unacceptable impact on the living conditions of existing residents. Furthermore, I see no reason why the proposal would cause an increase in anti-social behaviour.
46. In common with any development there would be some disruption caused during the construction phase. However, this would be temporary, and conditions can be used to control matters such as construction hours and dust and so minimise any disruption.
47. The location of the site opposite the cemetery would not be inappropriate, either for future occupiers or for users of the cemetery. The situation would be no different than in the historic core of the village where housing surrounds the church and its graveyard.

Flooding

48. The site lies in Flood Zone 1 and the accompanying Flood Risk Assessment concluded that the overall flood risk to the site was low and that the development would not result in an increase in flood risk elsewhere. In the

absence of any substantive evidence to the contrary, I consider the proposal would not have any adverse impact on flooding.

Planning Obligation

49. A signed and completed Section 106 agreement has been submitted. This secures the provision of 40% affordable housing as well as the type and occupancy of the units. It also makes provision for financial contributions to increase the capacity of: the nearest household waste recycling site; early years, primary, secondary and special education and disabilities education facilities at the nearest schools; at Desford Medical Centre; and at Desford library. These would reflect the extra demand the development would create for these services.
50. The obligation also secures the provision of various forms of open space either on the site or by way of financial contribution for the improvement or enhancement of existing facilities in Desford for those elements that cannot be provided on site. The long-term management and maintenance of the open space is also provided for in the obligation.
51. A number of highway related financial contributions are also secured in the obligation. These are: for the provision of Travel Packs and bus passes for each dwelling; to enable the monitoring of the Travel Plan; to fund the Traffic Regulation Order needed to move the speed limit on Hunts Lane; and towards improvements at Desford Crossroads.
52. The Borough Council and the County Council have both provided a detailed CIL Compliance Statements that set out how the section 106 agreement would meet the relevant tests contained in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and in paragraph 57 of the Framework.
53. Desford Crossroads is located some distance to the south-east of Desford on the A47. The appellant's evidence shows that the impact of the development on the 2028 background + committed development flows at this junction would be an additional 15 movements in each of the AM and PM peak. This represents a 0.005% increase in traffic movements. Neither the methodology nor the results of this work have been disputed by the highway authority.
54. Although this level of increase in traffic movements would not ordinarily require a capacity assessment to be undertaken, the appellant has done one. This shows that the junction is already operating over capacity, but that the impact of the development on the practical reserve capacity of the junction and the mean maximum queue would be negligible and well within the normal daily variations in traffic flow. Thus, whilst a scheme to improve this junction may be needed to address capacity issues, the proposal would not exacerbate these issues and so it is not reasonable to require it to contribute towards it.
55. Given this I consider that the contribution towards the improvement of this junction is not fairly related in scale and kind, nor is it necessary, and so does not pass the tests in the regulations and Framework set out above.
56. Other than this contribution, I am satisfied that all of the other obligations in the section 106 agreement are necessary, directly related to the development and fairly related in scale and kind. As such, they accord with the statutory tests.

Planning Balance and Conclusion

57. The proposed development is located in the countryside, outside of the settlement boundary. It would not be for any of the forms of development either national or local policies consider acceptable in the countryside. As a result, it would be contrary to CS Policy 7, SADMP Policy DM4 and Policy H1 of the DNP. However, I consider that the conflict with these policies is over-ridden by its conformity to Policy H3 of the DNP.
58. I have also found that the proposal would accord with SADMP Policy DM17 in respect of highway safety. Therefore, I consider that the proposed development would accord with the development plan and there are no other reasons which justify refusal of the proposal. Consequently, I conclude that the appeal should be allowed.

Conditions

59. The Council and the appellant agreed a set of conditions that were discussed at the Inquiry. I have considered these in the light of paragraph 56 of the Framework and have revised a number of them as discussed at the Inquiry.
60. In addition to the standard implementation and reserved matters conditions (conditions 1 and 2), to provide certainty it is necessary to define the plans with which the scheme should accord (condition 3). Condition 4 is necessary in the interests of the character and appearance of the area and biodiversity. To safeguard the protected trees as well as in the interests of visual amenity condition 5 is needed. In the interests of safeguarding biodiversity conditions 16, 17, 21 and 23 are required.
61. In the interest of promoting sustainable travel condition 6 is required and for highway safety reasons conditions 8 and 9 are required. Condition 7 is required to ensure any matters of archaeological interest are found and recorded. Conditions 10 and 11 are necessary to safeguard the development from contaminated land. To ensure the site is satisfactorily drained both during the construction phase and afterwards conditions 13, 14 and 15 are imposed.
62. Conditions 12, 19 and 20 are necessary to ensure satisfactory living conditions for existing and/or future occupiers. Condition 18 is imposed to ensure the development is provided with high quality and reliable communication infrastructure.
63. Condition 22 is required to ensure healthy lifestyle features are built into the design of the development. The appellant and Council suggested slightly different wording for this condition. As acknowledged in the Building for a Healthy Life toolkit, for various reasons it may not always be possible to achieve a 'green light' for every consideration, so I consider the wording suggested by the appellant is the most appropriate.

Alison Partington

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Rebecca Clutten Counsel instructed by Mr C Alsbury

She called:

Mr Rob Holland BA(Hons) MCIHT
Mr Craig Alsbury BA(Hons) BTP
MRTPI
Ms Emily Hill MRTPI*

Associate Director, Tetra Tech
Principal and Head of Planning and
EIA Team, Avison Young
Associate Director, Avison Young

FOR THE LOCAL PLANNING AUTHORITY:

Hugh Richards Counsel instructed by the Borough Solicitor, Hinckley and Bosworth
Borough Council

He called:

Mr Simon Pratt BEng(Hons) MCIHT
Mr Tim Hartley MRTPI*

Director SCP Transport Planning
Team Leader, Development
Management, Hinckley and
Bosworth Borough Council
Transport Planner Leicestershire
County Council
Transport Planner Leicestershire
County Council

Mr Daniel Putnam*

Mr Ben Dutton*

* In respect of the round table discussion on conditions and the planning obligation only.

INTERESTED PARTIES:

Mr Bernard Grimshaw
Mr Colin Crane

Local Resident
Local Resident

INQUIRY DOCUMENTS

INQ1 Opening statement by Appellant
INQ2 Opening statement by Council
INQ3 Statement by Mr B Grimshaw
INQ4 Appeal Decision APP/K2420/W/23/3330774 – Land at Desford Lane,
Ratby
INQ5 Closing Statement by Council
INQ6 Closing Statement by Appellant

CORE DOCUMENTS

Can be accessed using the following link:

[About the inquiry | Public inquiry - Land adjacent to Lockley Farm, Hunts Lane, Desford | Hinckley & Bosworth Borough Council \(hinckley-bosworth.gov.uk\)](https://www.hinckley-bosworth.gov.uk/about-the-inquiry-public-inquiry-land-adjacent-to-lockley-farm-hunts-lane-desford)

Annex A

Conditions

- 1) No development hereby permitted shall take place until details of the layout, scale, appearance, landscaping, and access other than the access into the site shown on drawing PRJ01-TTE-00-ZZ-DR-O-0001 Rev PO3 (hereinafter called "the reserved matters") have been submitted in writing to, and approved in writing by, the local planning authority. The development shall be implemented in accordance with the approved reserved matters.
- 2) Application for approval of reserved matters shall be made to the local planning authority not later than two years from the date of this permission and the development hereby permitted shall take place not later than 18 months from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in full accordance with the following approved plans:
 - Site Location Plan – Drg No. 09129-FPCR-XX-XX-DR-A-0001
 - Proposed Site Access Junction and Visibility Splays Drg No. PRJ01-TTE-00-ZZ-DR-O-0001 Rev PO3
- 4) In accordance with the details in Paragraph 5.3 (Landscape and GI Infrastructure (GI) Proposals) of the Landscape and Visual Appraisal (dated November 2022), a landscape buffer (which may incorporate the retained PROW / farm access track) at a minimum width of 15m shall be created on the western boundary of the site.
- 5) The development hereby permitted shall be carried out in full accordance with the Tree Retention Plan (9129-T-02 Rev C) at page 18 and the recommendations at Section 7 of the Arboricultural Assessment (dated November 2022). During the construction period, none of the trees or hedges indicated to be retained within this Tree Retention Plan shall be cut down, uprooted, or destroyed, nor shall they be topped or lopped other than in accordance with the approved plans, without the written approval of the local planning authority. If any of the trees or hedges to be retained are removed, uprooted, destroyed, or dies during the construction period, a replacement shall be planted at the same place during the first planting season following the completion of the development. The size and species of the tree or hedge shall be agreed in writing by the local planning authority prior to its planting.
- 6) The Travel Plan management, marketing, promotion, and monitoring measures included within the Tetra Tech Framework Travel Plan (reference: A114475 Revision 2) (dated December 2022), shall be implemented in full, from the first occupation of the development.
- 7) No development hereby permitted shall take place until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a Written Scheme of Investigation (WSI), which has been submitted in writing to, and approved in writing by, the local planning authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed

WSI, which shall include the statement of significance and research objectives, and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- 8) No development hereby permitted shall take place on the site until such time as a construction traffic management plan, including as a minimum, details of the routing of construction traffic, details of traffic management including measures to enable vehicles to enter and exit the site in forward gear, wheel cleansing facilities, vehicle parking facilities, any proposed external lighting and a timetable for their provision, has been submitted in writing to, and approved in writing by, the local planning authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
- 9) No dwelling hereby permitted shall be occupied until such time as the access arrangements and the off-site works (footway improvements) shown on Tetra Tech, drawing number PRJ01-TTE-00-ZZ-DR-O-0001 Revision P03, have been implemented in full.
- 10) No development hereby permitted shall take place until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to, and agreed in writing by, the local planning authority, which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details, and any remediation works so approved shall be carried out prior to any dwelling being occupied.
- 11) If during development contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to, and approved in writing by, the local planning authority, which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to any dwelling being occupied.
- 12) No development hereby permitted shall take place until a Construction Environmental Management Plan (CEMP) has been submitted in writing to, and agreed in writing by, the local planning authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light, and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the construction phase of the development.
- 13) No development hereby permitted shall take place until a scheme to provide a sustainable surface water drainage system has been submitted in writing to, and approved in writing by, the local planning authority. The

scheme shall subsequently be implemented in accordance with the approved details prior to any dwelling being occupied and shall be retained as such thereafter.

- 14) No development hereby permitted shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted in writing to, and approved in writing by, the local planning authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance, and protection. Details regarding the protection of any proposed infiltration areas should also be provided. The details shall be implemented before any development hereby permitted takes place and the development shall be managed and maintained in accordance with these approved details for the duration of the construction period.
- 15) No dwelling hereby permitted shall be occupied until details in relation to the long-term maintenance of the surface water drainage system (SuDS) within the development have been submitted to, and approved in writing by, the local planning authority. Details of the SuDS Maintenance Plan should include responsibilities and schedules for routine maintenance, remedial actions, and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the site. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.
- 16) No development hereby permitted shall take place (including ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted in writing to, and approved in writing by, the local planning authority. The LEMP shall include the following details:
 - a) Description and evaluation of the features to be created/managed;
 - b) Aims and objectives of management and long-term management;
 - c) Appropriate management options for achieving aims and objectives;
 - d) Prescriptions for management actions and responsibilities;
 - e) Work schedules for all landscape areas, other than small privately owned domestic gardens;
 - f) Species/seed mixes to be planted/sown; and
 - g) Ongoing monitoring and remedial measures.

The LEMP shall be carried out in accordance with the approved details.

- 17) No development hereby permitted shall take place until a Reasonable Avoidance Measures Method Statement (RAMMS) has been submitted to, and approved in writing by, the local planning authority. The RAMMS should include details including the proposed mitigation measures during the construction and post construction phases of the development that ensures that there is no impact upon the terrestrial newt, reptile, or badger populations. The development shall be carried out in accordance with the approved details and in respect of the post construction measures thereafter retained in perpetuity.

- 18) The development hereby permitted must provide electronic communications infrastructure to serve the development, including full fibre broadband connections. Prior to the installation of any electronic communications infrastructure, details of the infrastructure must first be submitted to, and approved in writing by, the local planning authority. The development shall be implemented in accordance with the approved details, and the infrastructure for each dwelling must be fully available prior to its occupation.
- 19) Site preparation and construction shall be limited to the following hours:
 - Monday to Friday: 07:30 to 18:00
 - Saturday: 09:00 to 14:00
 - No working on Sundays and Bank Holidays.
- 20) No dwelling hereby permitted shall be occupied until such time as a scheme that makes adequate provision for the storage and collection of waste and recycling containers across the site, has been submitted to, and approved in writing by, the local planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and collect wheeled containers. The approved scheme for the provision of storage and collection areas for waste and recycling containers for each dwelling, shall then be provided prior to the occupation of that dwelling and for any waste storage in communal areas shall be retained in perpetuity.
- 21) No development hereby permitted shall take place (including ground works or vegetation clearance) until a Biodiversity Net Gain Plan (the Plan) has been submitted in writing to, and approved in writing by, the local planning authority. The Plan shall provide for the achievement of a net gain on the reported baseline habitat loss. The Plan shall include the following details:
 - a) a description of existing habitats on and off site;
 - b) baseline habitat data used to inform the metric;
 - c) a description of, and plans showing, planned habitat creation/enhancement, including species;
 - d) a timetable for the implementation of habitat creation/enhancement;
 - e) a habitat management and monitoring plan including a timetable for management routines and reviews, and a strategy for any remedial measures, if and when required; and
 - f) a mechanism for securing the implementation of the biodiversity off-setting (if required) and its maintenance/management for a period of 30 years in accordance with details approved in the Plan.

The Plan shall be supported by up to-date Biodiversity Net Gain metric calculations for both the application site and the site for off-setting (if required) using DEFRA metric 4.0. The Plan shall be implemented in accordance with the approved details and shall be retained as such thereafter.

- 22) Each application for the approval of Reserved Matters shall include a Building for a Healthy Life Assessment which describes how the considerations in Building for a Healthy Life that are relevant to the matters for which approval is being sought have been addressed through the design process and how the proposed development responds to each of those considerations.

- 23) Prior to the installation of any external lighting to serve the development, a lighting scheme shall be submitted in writing to, and approved in writing by, the local planning authority. This information shall include a layout plan with beam orientation, and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles, and luminaire profiles). The lighting scheme shall ensure there shall be no more than 1 lux of light spill onto bat foraging corridors. The lighting shall be installed, maintained, and operated in accordance with the approved details and retained as such thereafter.

APPENDIX 2 – Appeal Decision Notice (APP/K2420/W/23/3330774)



Appeal Decision

Inquiry held on 13-16 February 2024

Site visit made on 15 February 2024

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2024

Appeal Ref: APP/K2420/W/23/3330774

Land off Desford Lane, Ratby, Leicestershire LE6 0HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Ltd and Bletsoe against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 21/01295/OUT, dated 15 October 2021, was refused by notice dated 1 September 2023.
 - The development proposed is described as an outline planning application for the erection of up to 225 dwellings (including 40% affordable housing) with public open space, landscaping and sustainable drainage system (SuDS) and a vehicular access point. All matters reserved except for means of access.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 225 dwellings (including 40% affordable housing) with public open space, landscaping and sustainable drainage system (SuDS) and a vehicular access point on land off Desford Lane, Ratby, Leicestershire LE6 0HF in accordance with the terms of the application Ref 21/01295/OUT, dated 15 October 2021, and subject to the 26 conditions in the attached schedule.

Preliminary Matters

2. The description used on the application form and as set out in the banner heading above includes some wording that is superfluous because it is not a description of development. I have omitted it in the description used in my decision. It does not change the substance of the proposal.
3. The proposal is made in outline with all detailed matters reserved for later consideration other than for access. Access relates to the proposed vehicular access to Desford Lane and associated highway works. It does not extend to the internal road layout within the site as shown on the development framework plan, which is for illustrative purposes only.
4. A legal undertaking has been submitted which secures a number of planning obligations. I consider the undertaking later in my reasoning. The Council is satisfied that a combination of these obligations and conditions overcomes its concerns around the impact of the development on public facilities and services. Consequently, that reason for refusal no longer needs to be considered as a main issue in the appeal.
5. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023. The main parties were able to respond to

those changes in preparing their evidence and at the inquiry. I have taken the revised Framework into account in reaching my decision.

6. A draft version of the Hinckley and Bosworth Local Plan 2020-2039 was published for consultation in 2022. I address the weight I give to the plan in more detail in the planning balance.

Main Issues

7. The main issues are the effect of the proposed development on:
- The spatial strategy of the development plan, in relation to the location of new development
 - The landscape
 - Accessibility to services and facilities
 - The settings of the grade II* listed Church of St Philip and St James, and of the Ratby Conservation Area.
8. It is also necessary to consider the benefits of the proposal, and the consequences of a lack of housing land supply. I do this as part of the planning balance.

Reasons

Spatial strategy

9. The spatial strategy as set out in the Core Strategy Development Plan Document 2009 (the Core Strategy) is to focus development in and around Hinckley, with a lesser amount of development planned for the rural area to ensure that smaller settlements remain vibrant, mixed communities. To that end, Policies 7 and 8 of the Core Strategy support housing development within the settlement boundary of Ratby, which is identified as a Key Rural Centre. Outside the settlement boundary, only limited forms of development are supported, as listed in Policy DM4 of the Site Allocations and Development Management Policies Development Plan Document 2016 (the Development Management Plan).
10. The appeal site lies outside the settlement boundary of Ratby as defined on the Settlement Inset Plan and the proposed development does not fall within any of the categories of development supported by Policy DM4. The proposed development would therefore be at odds with the spatial strategy of the development plan and conflict with Policy DM4.
11. The housing target in the Core Strategy is derived from the former East Midlands Regional Plan, now withdrawn. That housing target has been superseded by a nationally derived housing target calculated using a different methodology, and the need to co-operate with neighbouring planning authorities to address unmet housing demand, which results in a higher housing target. It follows that the development plan no longer reflects current housing need and fails to support the Government's objective of significantly boosting the supply of homes. The policies relating to the provision of housing are therefore out-of-date.

12. I conclude that, in so far as the spatial strategy as set out in the development plan is relevant, residential development on the appeal site would run counter to it and would therefore conflict with Policy DM4 of the Allocations Plan. However, that policy conflict only attracts limited weight because the policies which quantify and distribute housing growth in the development plan are out-of-date.

Landscape

13. In landscape terms the site forms part of an area¹ characterised by gently rolling landform rising to the north, clustered villages of varying sizes, predominantly arable farmland with areas of industry and recreational facilities near to the village fringes, limited tree cover, large to medium sized field patterns surrounded by hedgerows and linear woodland copses, and a good network of footpaths linking settlements. Electricity pylons and wind turbines are often prominent vertical features in the open landscape.
14. The site reflects these landscape characteristics by forming the larger part of what is currently an arable field surrounded by hedges, those to the north and south supplemented by hedgerow trees. It slopes down to the south and east, with its highest point being the proposed access point to Desford Lane. The village of Ratby sits on a hill to the east. To the south a shallow valley separates the site from the neighbouring village of Kirby Muxlowe. Land to the west is designated as part of the National Forest, although adjacent to the appeal site it is farmed land in arable and pastoral use rather than woodland.
15. Although the land surrounding these villages is predominantly agricultural in nature, commercial uses are interspersed within the landscape. A line of pylons runs up the valley. There was general agreement in the evidence presented on landscape that the site and surrounding area has a medium to medium-high sensitivity to change. Although not a 'valued' landscape in the sense used in paragraph 180b) of the Framework, I recognise it as having its own intrinsic character and beauty.
16. Residential development on the site would introduce domestic scale buildings together with roads, vehicles and lighting. The development as well as the activities associated with it would suburbanise the site and would inevitably harm its agricultural character and appearance and the contribution it makes to the landscape. Although residential buildings would not front Desford Lane, the development would still be readily seen from it and the public footpath that runs along the western boundary of the site, and in views across the valley from the south. Some landscape mitigation could be provided, with up to half of the site potentially being available. However, even after such planting had become established, the houses and associated activities would still be visible because of the proximity of the footpath and the sloping nature of the site.
17. The highway works to Desford Lane would also have a material impact on its character and appearance. Although well trafficked, at present the lane provides a largely rural approach to Ratby. In my view the built-up entry to the village does not become apparent until one gets near the new medical centre. The proposed highway works would suburbanise the lane by straightening and widening parts of it, introducing new hard surfacing and lighting, and reducing

¹ Hinckley and Bosworth Borough Landscape Character Assessment 2017 – LCA D: Newbold and Desford Rolling Farmland

the amount of soft verge. The hedgerow along the site frontage would also have to be removed but is proposed to be replanted behind the access sight line.

18. The development would be separated from the existing built-up edge of Ratby by the playing fields of Ratby Sports Club to the north and small meadows either side of Little Rothley Brook to the east. I was presented with differing views as to how this separation would be perceived in landscape terms. Other than for the hedged and treed boundary to Desford Lane, the playing fields do not in my view contribute to the wider landscape because they do not reflect its characteristic features. They provide an open and green space adjacent to the built-up area but are formal in appearance with terraces to accommodate the playing pitches.
19. The meadows however provide a more obvious break between the site and the western edge of the village. In views from the west and southwest, development on the site would be seen against the backdrop of existing housing in Ratby, but from the south and southeast it would be apparent that the development was on a separate hillside to that occupied by the existing village and that there was a green wedge separating it from existing housing.
20. Balanced against that sense of separation from Ratby is the presence of commercial operations in the immediate vicinity of the appeal site, the most evident being that of the stoneworks and to a lesser extent a caravan storage use on the opposite side of Rothley Brook. Development on the site would be seen as occupying land between these commercial operations and Ratby, rather than intruding out into open countryside. Sufficient countryside would remain between Ratby and Kirby Muxlowe to maintain a separation between the villages.
21. Taking all of these factors together it is my view that the development would have a harmful impact on the landscape by introducing built development on agricultural land that is characteristic of the landscape and forms part of its intrinsic character and beauty. While the proposal would be perceived as spreading development beyond the hilltop setting of Ratby and separated to an extent from its existing built-up edge, that perception would be moderated by the presence of the nearby commercial operations such that the harm would be contained to the local area. Planting would help to mitigate that harm to an extent. However, given the visibility of the site there would remain moderate adverse harm to the landscape in the long term.
22. The Council's reason for refusal relating to landscape harm refers to Policies 6 and 7 of the Core Strategy. Neither of these policies are relevant to impact on the landscape as the former relates to a green wedge designation and the latter relates to development within key rural centres, neither of which the site falls within. Reference is also made to Policies DM1 and DM10 of the Development Management Plan. Policy DM1 relates to the presumption in favour of sustainable development (paragraph 11 of the Framework), which I address later. Policy DM10 is aimed primarily at detailed design, which is relevant for the reserved matters but not the outline stage.
23. That leaves Policy DM4 of the Development Management Plan. Its purpose is to safeguard the countryside and maintain separation between settlements. It does that by protecting the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. The

appellants argue that the detailed criteria i) to v) are only relevant where development falls within the categories of development considered sustainable in the countryside as set out in criteria a) to e). Given the joining preposition 'and' between these lists of criteria in the policy, that interpretation must be right. However, that does not prevent the first sentence of the policy from being relevant to unsustainable forms of development in the countryside.

24. I conclude that the development would conflict with Policy DM4, not only because it is not included in any of the categories of development considered sustainable in the countryside, but also because it would cause moderate adverse harm to the value, beauty and character of the countryside, albeit that harm would be contained to the local area and would not result in the merging of villages. It would also conflict with paragraph 180b) of the Framework which recognises the intrinsic character and beauty of the countryside, with the implied degree of protection that recognition affords.

Accessibility to services and facilities

25. Ratby is identified in the Core Strategy as a Key Rural Centre because it contains a primary school, local shop, post office, medical surgery, community and leisure facilities, employment opportunities and a 6 day a week bus service. These services and facilities are recognised in the Core Strategy as making it a place where residents can fulfil their daily needs without having to travel long distances into urban areas. A need identified in Policy 8 of the Core Strategy to improve medical facilities in Ratby has recently been secured through completion of the new medical centre on Desford Lane.
26. At present the site is not well connected to the services and facilities in Ratby. Desford Lane has no footways and is unlit for most of its length, and there is no other direct access across Little Rothley Brook to the village. The proposed highway works would therefore be critical in securing accessibility to the village as well as wider afield by means other than the private motor car.
27. With the proposed highway works, walking distances to the services and facilities in the village may be longer than is desirable but nevertheless most would be within what are acceptable or preferable maximum distances for pedestrians without a mobility impairment². The proposed bus stops would be within a desirable walking distance. Average walking distances to facilities in the centre of the village would be comparable to those from dwellings in its northern and southern parts, including recent residential development off Markfield Road.
28. Because the proposal is made in outline with layout reserved for later consideration, the measurement of distances has been taken from a central point in the site, meaning that some occupants would have to walk further and some less than that calculated³. Given the somewhat subjective nature of what may be considered desirable, acceptable or the maximum preferable walking distances, I consider that does not invalidate the findings detailed above.
29. The quality of the walking route is also important in encouraging future occupants to walk or cycle rather than take the car for short journeys. In that regard the separate shared footway/cycleway with street lighting and the new pedestrian crossing would provide a safe route into the village for both

² Institution of Highways & Transportation: guidelines for providing for journeys on foot 2000, table 3.2

³ Accessibility statement of common ground, table 2.1

pedestrians and cyclists. The provision of new bus stops with a central refuge to aid crossing the lane would also provide convenient and safe facilities for bus passengers.

30. The proposed works would have some shortcomings, in that there would be a pinch point where the shared path crosses Little Rothley Brook, and neither the path nor the bus stops would be under passive surveillance⁴. The single point of access to the site and the single shared path into the village are also less than ideal, in that there would be no choice of routes unlike other parts of the village where there is greater permeability. However, none of these would seriously undermine the quality of the proposed highway facilities or significantly reduce their attractiveness to future users in accessing services and facilities in the village, or wider afield, including employment opportunities.
31. I conclude that, notwithstanding the shortcomings, accessibility to services and facilities sufficient to meet daily needs would be available to occupants of the proposed development by a range of travel modes other than the private motor car. Accessibility further afield to higher order services, facilities and employment opportunities would also be available by bus or bicycle. The proposal would therefore accord with Policy DM17 of the Development Management Plan, which seeks to minimise the need to travel and promotes sustainable forms of transport in new developments.

Heritage

32. There are two heritage assets which the development has the potential to affect. These are the grade II* Church of St Philip and St James⁵, and the Ratby Conservation Area. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to preserving the architectural and historic interest of the church, and to preserve or enhance the character or appearance of the conservation area, respectively.
33. The significance of the church lies in its historic fabric, the earliest parts of which date from the 13th century, and also its setting in a prominent position on top of a hill in the centre of the village. Its immediate setting is defined by the churchyard, with its wider setting being established by the village (in particular the more historic parts of it) and beyond that to the surrounding countryside.
34. The significance of the conservation area lies in the historic buildings and road layout which make up the earliest part of the village, grouped around the church, along Main Street and the upper part of Station Road. The buildings reflect the change from a predominantly agrarian village to one that accommodated a mix of agricultural and early manufacturing uses within the historic core. The setting around the conservation area is now largely occupied by more modern development although playing fields abut it to the south and west, and views of surrounding countryside can be gained from the higher ground within it.
35. Neither of these heritage assets would be directly impacted by the proposed development, which would be separated from them by some distance. Views of the appeal site can be obtained from the church, and vice versa, although those views are filtered through the hedge and trees along the northern

⁴ Leicestershire Highway Design Guide 2022, part 3

⁵ List entry number 1074093

boundary of the site. The illustrative development framework plan shows that it may be possible to retain some views of the church from the appeal site through site layout design, although that would be for the reserved matter stage and is not determinative of my conclusions on heritage matters.

36. Little of the appeal site can be seen from the conservation area, other than from the area immediately around the church. Desford Lane does form an approach to the conservation area, although only its easternmost end is identified as a view to be protected⁶, which is beyond the part of the lane that would be altered by the proposed highway works.
37. The loss of part of the countryside that can be seen from the church and that part of the conservation area that immediately surrounds it would have a minor adverse effect on their settings, in that it would lessen the historic relationship between the church and village and its agricultural hinterland. However, historically the church has always been surrounded by buildings rather than being reliant on an isolated, countryside setting. The same applies to the conservation area where its significance and special interest lies not only in its agrarian links but also to buildings associated with early forms of manufacture, none of which were reliant on agriculture.
38. Consequently, the limited impact to the wider settings of the church and conservation area identified above would amount to less than substantial harm to their significance. That impact would be towards the lower end of the range of such harm.
39. In such circumstances, paragraph 208 of the Framework says that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. It is common ground between the witnesses for both of the main parties that the public benefits arising from the provision of additional housing, including a proportion of affordable housing, would outweigh the less than substantial harm to the significance of both the church and the conservation area.
40. Irrespective of the level of harm caused, paragraph 205 of the Framework requires that great weight be afforded to a heritage asset's conservation. Having taken into account that great weight, and the statutory protection afforded to designated heritage assets, I am of the view that the public benefits of the development would easily outweigh the very limited harm caused to the significance of both the church and conservation area. Consequently, I conclude that the development would not conflict with Policies DM11 and DM12 of the Development Management Plan, which seek to protect the historic environment taking account of any benefits that might flow from development proposals.

Other Matters

41. The development would give rise to the loss of a small amount of best and most versatile agricultural land. The loss of agricultural land does not form a reason for refusal on the Council's decision notice although it is a matter raised in evidence. I was informed that almost all agricultural land in the borough falls within this category and therefore any housing development is likely to result in

⁶ Ratby Conservation Area Appraisal, 2014

such a loss. Given that to be the case, I consider that the loss of this relatively small parcel of land for agriculture would not cause any material difference to food production because such a loss is inevitable if the borough is to meet its housing requirements.

42. I heard evidence from interested parties that Ratby has expanded rapidly in recent decades and that has put strain on local facilities, in particular the primary school and increased traffic on the roads, as well as fears about the ability of the village to accommodate the rate of change in social terms.
43. While I understand the concerns expressed on these issues, it is a matter for service providers to respond to new development by providing improvements or additional capacity where necessary, rather than existing capacity being seen as a limiting factor on development, unless such improvements or additional capacity are not possible. In this case, no objection to the scheme has been raised by service providers, including the County Council in its roles as Highway Authority and Education Authority. A range of legal obligations and conditions agreed to by the appellants would also secure contributions towards the provision of education and highway improvements, as well as other services such as the library and maintenance of open space.
44. Social change is a more subjective matter. I appreciate that more housing will make the village a busier place with potentially a greater variety of people, and that some residents may regret the change from what was a smaller and perhaps more intimate scale of village in the past. However, more residents do also bring advantages, such as more participants in village sports clubs, and using local shops and businesses ensuring that they remain and thrive. Development of new housing, whether at Ratby or elsewhere in the borough, is necessary to meet demand and therefore change to the existing population is inevitable. I do not consider that change to be intrinsically harmful.
45. I was told that there have recently been instances of flooding in the local area. While that may be the case, so far as the proposed development is concerned there is a requirement that it incorporate a sustainable drainage system to avoid increasing surface water run-off from the site. It would not therefore worsen the current problems.
46. The issue of noise disturbance from the stoneworks has been raised. I do not consider that is of sufficient concern to prevent residential development taking place on the site, but I have imposed a condition requiring the potential for such noise disturbance to be assessed in more detail and for suitable mitigation to be incorporated in the layout and design of houses on the site if necessary.
47. There would be some temporary disruption during the construction period. However, that is common to almost all development and does not amount to a reason for dismissing the appeal. Conditions are imposed that would help minimise any disruption that might occur.

Planning Balance

48. I have found that the proposed development would conflict with Policy DM4 of the Development Management Plan because the site lies outside the settlement boundary of Ratby and does not fall within any of the categories of development considered appropriate in the countryside. However, that conflict

- only carries limited weight because the spatial strategy of the development plan is out-of-date.
49. I have also found that the proposed development would conflict with Policy DM4 and paragraph 180b) of the Framework in that it would cause harm to the landscape. I give that harm moderate weight.
50. For accessibility by means other than the private motor car, I have concluded that while there are some shortcomings to what is proposed, when taken in the round accessibility to services and facilities in Ratby would be acceptable. I have also concluded that while there would be less than substantial harm to heritage assets, that harm would be very limited and is outweighed by the public benefit of providing housing to meet demand. Both of these issues are of neutral weight in my decision.
51. Balanced against that conflict with Policy DM4 and the Framework, the proposal would result in a number of benefits. The principal benefits, already mentioned in connection with heritage assets, are the provision of new market and affordable housing. Those homes would help meet demand for housing, which both parties recognise is not being adequately met in the borough at the current time. I give both those benefits significant weight.
52. There would be economic benefits both in the short term during the construction period and afterwards through the spending power of future occupants to the local economy. There would also be a net gain in biodiversity. I give these benefits limited weight.
53. Open space and play equipment would be provided on site, as would contributions towards a range of off-site services and facilities such as education and the library service. While these facilities or improvements to services would be available to the general public, they are primarily intended to meet demand and serve the needs of future occupants. I therefore give them only limited beneficial weight.
54. The proposed development would have its own sustainable drainage system that would attenuate surface water run-off from the site such that it would be no greater than the existing greenfield run-off rate. I am satisfied that such a system would not worsen localised flooding that interested parties told me about at the inquiry. However, without having further details of the storage capacity of the system I am unable to say whether it would improve on the current situation. I therefore give this matter neutral weight.
55. In terms of housing land supply, it is necessary to consider the recent changes in national policy contained in the revised Framework. The Council is required to identify and update annually a supply of deliverable sites by virtue of paragraph 77, because it does not meet the criteria in paragraph 76. That requirement is for 5 years' worth of housing land, unless the provisions of paragraph 226 apply, in which case it is 4 year's worth. Paragraph 226 applies where an authority has an emerging local plan which has reached the Regulation 18 or 19 stage⁷ and includes both a policies map and proposed housing allocations. This provision is time limited to 2 years (ending December 2025).

⁷ Town and Country Planning (Local Planning) (England) Regulations 2012

56. In this case, the Council does have an emerging plan that has reached the Regulation 19 stage, and which does have a policies map showing housing allocations, albeit that map is incomplete because it does not show the geographical expression of other policies in the plan. However, the plan has not progressed to examination, and the Council has recently published a revised local development scheme⁸ which indicates that it intends to consider an alternative development strategy, extend the plan period to 2041 and carry out new Regulation 18 and 19 consultations before submission for examination by June 2025, with adoption expected in early 2026.
57. Although the present Regulation 19 plan has not been formally withdrawn, it is apparent that there is no intention to progress it in its current form. The purpose of the revised requirement in the Framework is to recognise those authorities which are progressing with plan making. Since the current Regulation 19 plan has stalled, and a revised version is not envisaged to be adopted for at least two years, I consider that the provisions of paragraph 226 do not apply in this case. That position is accepted by both main parties, including the Council, which is not seeking to rely on the provisions of paragraph 226.
58. In terms of housing land supply, the most recent published figure shows 4.89 years' supply available⁹. This includes a 5% buffer, which is no longer needed. However, I was offered no updated housing land supply calculation, and the position of the Council remains that it is unable to demonstrate a 5-year housing land supply. In such circumstances, for proposals involving the provision of housing, footnote 8 of the Framework deems the policies most important for determining the proposal to be out-of-date.
59. Where those policies are out-of-date, paragraph 11d) of the Framework says that planning permission should be granted unless specific policies in the Framework provide a clear reason for refusal, or any adverse impacts of the development would significantly and demonstrably outweigh the benefits.
60. In this case there are no specific policies in the Framework that provide a clear reason for refusal. Harm to designated heritage assets is capable of being such a specific policy, but here it is agreed that the limited harm caused to the church and conservation area is outweighed by public benefits and therefore does not amount to a clear reason for refusal.
61. I have identified some adverse impacts arising from the proposal, both in terms of the conflict with the spatial strategy of the plan, and its impact on the landscape. However, those only carry limited or moderate weight. When compared to the range of benefits that would flow from the proposal, I conclude that the harm does not significantly and demonstrably outweigh the benefits. Accordingly, it follows that the Framework supports planning permission being granted. That is an important material consideration that carries significant weight.

Legal undertaking

62. The proposal is accompanied by a legal undertaking that secures a range of planning obligations. These include the provision of 40% affordable housing

⁸ Hinckley & Bosworth Borough Council Local Development Scheme 2020-2025, February 2024

⁹ Hinckley & Bosworth Borough Council Residential Land Availability Monitoring Statement 1 April 2021 – 31 March 2022

with agreed tenures, travel packs including bus passes, and financial contributions towards a traffic regulation order, education, health care, a civic amenity site, the library, improvement of a highway junction as part of the Coalville Transport Strategy, maintenance of on-site and off-site open space, and monitoring.

63. Having regard to the compliance statement submitted by the Council and the discussion that took place at the inquiry, I am satisfied that these obligations meet the requirements of Regulation 122 of the Community Infrastructure Regulations 2010 in that they are necessary, directly related to the development and fairly and reasonably related in scale and kind. No objection to them was raised by the appellants. I have placed weight on them in meeting policy requirements in the development plan and the additional demands the development would place on infrastructure and public services. The proposed highway improvements, which are critical in securing adequate accessibility to the site, are secured through Grampian conditions, which I consider below.

Conditions

64. I have considered the draft conditions against the tests in paragraph 56 of the Framework. I have imposed those which I consider meet the tests, subject to rewording and simplification in the interests of clarity, consistency and enforceability. They have also been reordered in accordance with the advice in the Planning Practice Guidance. The appellants confirmed their agreement to the inclusion of pre-commencement conditions at the inquiry pursuant to section 100ZA of the Town and Country Planning Act 1990.
65. Condition 1 is necessary to require submission of the reserved matters, and conditions 2 and 3 set time limits for their submission and the start of development. I have separated these for clarity. Condition 4 listing the approved drawings is needed for certainty.
66. Condition 5 is necessary to ensure any matters of archaeological interest are found and recorded.
67. Conditions 6, 14 and 15 are necessary to find and remediate any contamination that might exist on the site.
68. Condition 7 is required to control and mitigate any adverse effects during the construction period, including construction traffic. I have combined suggested conditions into one and simplified the requirements in the interests of clarity.
69. Conditions 8, 9 and 16 are necessary to ensure appropriate surface water drainage both during construction and long term. I have combined suggested conditions to include the surface water drainage system being designed to also avoid water draining onto the public highway.
70. Condition 10 is necessary to enable further consideration to be given to the position and design of the proposed pedestrian crossing to the north of the site in the vicinity of the health centre.
71. Conditions 11, 12, 13 and 24 are necessary to secure biodiversity net gain and ensure that the impact on wildlife is minimised.
72. Conditions 17, 18, 19 and 20 are necessary to ensure that the proposed on and off-site highway works are implemented and thereafter maintained. Condition

- 21 requires a travel plan to be approved to encourage future occupants to use means of transport other than the motor car.
73. Condition 22 is necessary to support good quality, up-to-date communications.
74. Condition 23 is necessary to minimise noise disturbance to future occupants and condition 25 is necessary to ensure healthy lifestyle features are incorporated into the detailed layout and design of the development.
75. Condition 26 is necessary to control the times of construction activities in the interests of neighbouring occupants.
76. I have not imposed a condition referring to the development framework plan, as that is submitted for illustrative purposes only. I have not imposed conditions relating to retention of hedges, replacement of damaged planting, ground levels and bin storage as these are more appropriately considered as part of the reserved matters details. I have also not imposed a condition restricting permitted development rights for domestic gates and other means of enclosure as there is no clear justification to do so. To impose such a condition would conflict with paragraph 54 of the Framework.

Conclusion

77. I conclude that the development would conflict with Policy DM4 of the Development Management Plan, and would therefore conflict with the development plan when taken as a whole. However, there are important material considerations, in particular the 'tilted' balance arising from the Framework that indicates that planning permission should be granted, and the benefits of providing housing in an area where that need is not currently being met. These material considerations outweigh the conflict with the development plan.
78. Consequently, I conclude that the appeal should be allowed.

Guy Davies

INSPECTOR

Appearances

For the appellants:

Martin Carter	Counsel
Silke Gruner BHons LA CMLI	Director (Landscape), Icen Projects
Rosey Meara MA (Hons) PGCert MCIfA	Associate Consultant, CSA Environmental
Ben Jackson BEng (Hons) MSc MCIHT	Director, Ashley Helme Associates Ltd
Peter Dutton BA (Hons) MCD MRTPI	Planning Manager, Gladman Developments Ltd

For the Council:

Hugh Richards	Counsel
Simon Neesam BA (Hons) DipLA CMLI	Director, The Landscape Partnership Ltd
Andrew Gray MSc MRTPI MSc MIED	Associate Director, Aitchison Raffety
Tim Hartley BA (Hons) MRTPI	Team Leader Development Management, Hinckley & Bosworth Borough Council

Interested parties:

Cllr Ozzy O'Shea JP	Grobby & Ratby Division and Ratby, Bagworth & Thornton Ward
Cllr Chris Boothby	Ratby, Bagworth & Thornton Ward
Dr Andrew Simmonds	Local resident
Stephen Boud	Local resident
Graham Stanley	Local resident

Documents

Documents relating to the inquiry can be found at: [About the inquiry | Public inquiry: land off Desford Lane, Ratby | Hinckley & Bosworth Borough Council \(hinckley-bosworth.gov.uk\)](https://hinckley-bosworth.gov.uk/about-the-inquiry/public-inquiry-land-off-desford-lane-ratby)

Documents received during or after the inquiry are as follows:

1. Copy of draft legal undertaking
2. Draft conditions
3. High Court judgement: Monkhill Ltd v SSHCLG [2019] EWHC 1993 (Admin)
4. Appeal Court judgement: Monkhill Ltd v SSHCLG [2021] EWCA Civ 74
5. Plan of cycling route to Leicester
6. High Court judgement: Bramley Solar Farm Residents' Group v SSLUHC and others [2023] EWHC 2842 (Admin)
7. Opening statement on behalf of the appellants
8. List of appearances for the appellants
9. Opening statement on behalf of the Council
10. Speaking notes for Dr Andrew Simmonds
11. Revised local development scheme 2020-2025 dated February 2024
12. Minute 231 of Council meeting 13 December 2022 relating to revision of local development scheme 2020 to 2025 dated October 2022
13. CIL compliance statement by Council
14. Leader of the Council's position statement at Council meeting 6 September 2022 including reference to local plan
15. Regulation 19 draft plan
16. Policies map published with Regulation 19 draft plan
17. Inset map for Ratby published with Regulation 19 draft plan
18. Closing submissions on behalf of the Council
19. Closing submissions on behalf of the appellants
20. Speaking notes for Graham Stanley
21. Copy of completed legal undertaking.

Schedule of 26 conditions:

1. No development shall commence until details of layout, scale, appearance, landscaping and internal access (hereafter called the reserved matters) have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved reserved matters.
2. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
3. The development hereby permitted shall begin not later than 3 years from the date of this permission or not later than 2 years from the date of the approval of the last of the reserved matters to be approved, whichever is later.
4. Other than as may be approved in condition 10, the development hereby permitted shall be carried out in accordance with the following plans:
Site location plan – CAS/5249/108 Rev B
Proposed access strategy – 1726/16 Rev E
Proposed access arrangements 1726/15 Rev H
Proposed toucan crossing – 1726/19 Rev C
5. No development shall commence until a scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the nomination of a competent person or organisation to undertake the approved scheme, and a programme of site investigation, recording and publication of post-investigation analysis. The scheme of archaeological investigation shall be carried out in accordance with the approved programme.
6. No development shall commence until a scheme for the investigation and mitigation of any contamination at the site has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation and mitigation shall be implemented in accordance with the approved details prior to occupation of the development.
7. Prior to the commencement of development a construction environmental management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail how, during site preparation and construction, the impact on neighbouring properties and the environment shall be minimised or mitigated from dust, odour, noise, smoke, light or other sources of pollution. The plan shall also detail how construction traffic will be managed including routing of construction traffic, wheel cleaning and parking. The plan shall detail how such controls will be monitored and shall include a procedure for the investigation of and response to complaints. The construction environmental management plan shall be implemented in accordance with the approved details.
8. Prior to the commencement of development details of a surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The details shall include how surface water will be prevented from draining onto the public highway. The surface water

drainage system shall be implemented in accordance with the approved details prior to occupation of the development.

9. Prior to the commencement of development a system for the management of surface water drainage during site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The system for the management of surface water drainage shall be implemented in accordance with the approved details, and maintained in working order throughout site preparation and construction.
10. Notwithstanding plan 1726/19 Rev C in condition 4 (approved plans), prior to commencement of development a scheme for a pedestrian crossing north of the site on Desford Lane in the vicinity of the health centre shall be submitted to and approved in writing by the Local Planning Authority. The approved pedestrian crossing shall be installed prior to occupation of the development.
11. Prior to the commencement of development a biodiversity net gain plan ensuring a net gain in biodiversity of at least 10% shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of baseline habitat data, habitat creation and/or enhancement, a timetable for implementation, a habitat management and monitoring plan with measures for remediation if required, and if necessary details of biodiversity off-setting and its long-term management and monitoring. The plan shall be implemented in accordance with the approved details.
12. Prior to occupation of the development, a landscape and ecological management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens shall be submitted to and approved in writing by the Local Planning Authority. The landscape and ecological management plan shall be carried out in accordance with the approved details.
13. Prior to occupation of the development, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a layout plan with beam orientation and the design and location of the lighting equipment demonstrating how external lighting will minimise harm to protected species and their habitats. The external lighting shall be installed and operated in accordance with the approved details.
14. If during development contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation and mitigation of contamination at the site has been submitted to and approved in writing by the Local Planning Authority detailing how the contamination is to be remediated. The remediation works approved shall be carried out prior to the occupation of the development.
15. Within 3 months of the completion of any mitigation or remediation works approved pursuant to conditions 6 and 14, a verification report shall be submitted and approved in writing by the Local Planning Authority. The verification report shall be written by a suitably qualified person or

organisation and shall include details of the mitigation or remediation works, post-remedial sampling, disposal of waste and quality assurance certificate(s) to demonstrate that the mitigation or remediation works have been carried out in accordance with the scheme of investigation and mitigation approved pursuant to conditions 6 and 14.

16. Prior to occupation of the development a plan for the long-term maintenance of the surface water drainage system approved pursuant to condition 8 shall be submitted to and approved in writing by the Local Planning Authority. The maintenance plan shall include responsibilities and schedules for routine maintenance, monitoring and remedial action if required of the drainage system, and procedures to be implemented in the event of pollution of surface water on the site. The surface water drainage system shall be maintained in accordance with the approved maintenance plan.
17. Prior to occupation of the development the access arrangements shown on approved plan 1726/15 Rev H shall be implemented in full.
18. Prior to occupation of the development the offsite highway works detailed on approved plan 1726/16 Rev E including the shared use footway/cycleway along Desford Lane, realignment of part of Desford Lane, bus laybys, pedestrian refuge and gateway feature but excluding the pedestrian crossing north of the site on Desford Lane in the vicinity of the health centre, shall be implemented in full.
19. Prior to occupation of the development vehicular visibility splays of 2.4m x 120m to the right of the site access and 2.4m x 118m to the left of the site access shall be provided. The visibility splays shall thereafter be maintained free from obstruction above a height of 0.6m measured from the level of the adjacent footway, verge or carriageway.
20. Prior to occupation of the development vehicular visibility splays to existing accesses 1, 2 and 3 as detailed on Jackson drawing 2112 Rev D shall be provided. The visibility splays shall thereafter be maintained free from obstruction above a height of 0.6m measured from the level of the adjacent footway, verge or carriageway.
21. Prior to occupation of the development a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall be implemented in accordance with the approved details.
22. Prior to occupation of the development a full fibre broadband connection shall be made available and ready for use for each dwelling.
23. Layout and appearance reserved matters shall include a noise investigation and mitigation strategy detailing how occupants of dwellings on the site will be protected from adverse noise effects arising from the adjacent Stonecroft works. The development shall be implemented in accordance with the approved noise investigation and mitigation strategy prior to occupation of the development.
24. Layout and landscaping reserved matters shall include details of how the recommendations of the SCA Ecological Impact Assessment CSA/5249/05,

dated September 2021, have been incorporated. The details so incorporated shall be implemented in accordance with approved layout and landscaping plans.

25. Any reserved matters application shall include a Building for a Healthy Life Assessment which shall demonstrate how the development accords with best practice requirements set out in the Building for a Healthy Life document.
26. Site preparation and construction shall be limited to the following hours:
Monday – Friday: 07:30 – 18:30
Saturday: 08:00 – 13:00
There shall be no site preparation or construction on Sundays, bank or public holidays.

***** End of conditions*****

APPENDIX 3 - Appeal procedure comments of the Local Planning Authority

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990



**Hinckley & Bosworth
Borough Council**

**APPEAL PROCEDURE COMMENTS OF
THE LOCAL PLANNING AUTHORITY**

**REGARDING THE REFUSAL OF PLANNING PERMISSION FOR THE DEVELOPMENT
OF 7 DWELLINGS INCLUDING THE CONVERSION OF THE EXISTING BUILDING INTO
2 DWELLINGS AND 5 NEW BUILD PROPERTIES**

AT:

25 MAIN STREET, HIGHAM-ON-THE-HILL, LEICESTERSHIRE

**HINCKLEY AND BOSWORTH BOROUGH COUNCIL REFERENCE:
24/00229/FUL**

**THE PLANNING INSPECTORATE REFERENCE:
3357570**

1. The appellant has requested that this appeal be dealt with by means of a public inquiry and has submitted a statement of justification that sets out the following four reasons:
 - Need for evidence to be tested through formal questioning by an advocate
 - Complexity of issues
 - Public interest
 - Likely length of inquiry
2. The Local Planning Authority disagrees that the appeal should be dealt with by means of an inquiry and considers that a hearing is the appropriate procedure in this instance. The appeal relates to the development of just seven dwellings. There are four reasons for refusal that relate to the following issues:
 - Detrimental effect on the Higham-on-the-Hill Conservation Area
 - Loss of a key community facility
 - Detrimental effect on the character and appearance of the area
 - Amenity of future occupiers of Plot 1
3. The LPA is mindful of the Inspectorate's guidance criteria for planning appeals dated 5 August 2024. The guidance is concise, and the criteria can be examined and assessed in some detail in deciding whether an inquiry or a hearing is the chosen procedure.
4. The guidance on inquiries contains five bullet points, of which two relate to enforcement appeals. The LPA firstly considers the point regarding the complexity of the issues. It is noted that the Inspectorate guidance gives an example of there being large amounts of highly technical data that is likely to be provided in evidence. This appeal raises no issues that involve any technical data of any nature, let alone any that are highly technical. This indicates that a hearing is more appropriate than an inquiry, in accordance with the Inspectorate's published guidelines.
5. The issues that need to be addressed in this appeal are clear, straightforward and comparatively simple. The degree of impact on the Conservation Area is a matter of fact and then a matter of judgement – the issue is not complex and there is no technical issue. The loss of a key community facility is a matter of fact and then a matter of judgement – again the issue is not complex and there is no technical data. The degree of impact on the character and appearance of the area is a matter of fact and then a matter of judgement – again not a complex issue and again no technical data. Finally the issue of the amenity of future occupiers is a matter of fact and then very much a matter of judgement – yet again the issue is not complex and there is no technical data. Whilst determining the appeal will rely on a matter of judgement by the Inspector, this is not a matter that requires evidence to be tested through formal questioning by an advocate. Instead, and as set out in the Inspectorate's guidance on hearings, the Inspector will be able to test the evidence by questioning or by clarifying matters. All of the above indicates that a hearing is a more appropriate procedure than an inquiry, in accordance with the Inspectorate's published guidelines.

6. As set out above the issues raised can be clearly understood from the appeal documents and a site inspection and the LPA considers that the four reasons for refusal relate to straightforward matters that are commonly raised in reasons for refusal and are easily understood. It is the view of the LPA that were it not for the STOP/CBS community group (Save The Oddfellows Pub) (Community Benefit Society), then the issues involved in this appeal would most appropriately be dealt with by written representations.
7. The Inspectorate's guidance sets out that an inquiry would be appropriate if there is a clearly explained need for the evidence to be tested through formal questioning by an advocate. It is the view of the LPA that the appellant has not fulfilled that requirement. The appellant's justification simply asserts that there are complex and extensive matters that are contested between the Council and the appellant. Were they not contested of course there would be no appeal, and the appellant gives no explanation of why the evidence is so complex that it needs to be tested through formal questioning. The appellant's justification then refers to case law and the interpretation of legislation, national policy and guidance. There is no reason whatsoever why any of these matters cannot be dealt with through written representations – that there might be disagreement about any of these matters is a fundamental aspect of the vast majority of appeals of all kinds and does not require formal questioning by an advocate.
8. It is noted that the appellant refers to housing land supply as a complex matter that is relevant to this appeal. This is not the case. The publishing of the latest NPPF means that the Council no longer has a five year housing land supply, as was the case when the application was determined. It is noted that the appellant's Statement of Case, at paragraph 6.31, sets out that the appellant will seek to agree the housing land supply position through a Statement of Common Ground. The LPA will not be arguing that it has a five year housing land supply and therefore the appropriate weight will be given to the provision of the seven market dwellings.
9. The planning application has generated local interest. Higham on the Hill is designated as a rural village in the Council's Development Plan. The delegated report on the application sets out that 53 properties were notified of the application, that representations were received from 58 separate addresses and that a total of 75 objections and two representations in support of the proposal were received. It is highly likely that the STOP/CBS group would wish to be an active participant in the appeal and to be granted status as a Rule 6 party. The level of interest is not considered to be of such a significant volume that would require an inquiry as opposed to a hearing.
10. In anticipation of the refusal being appealed the STOP/CBS group were alerted to the possible appeal procedures and the Secretary of the group emailed to say that a hearing was their preferred procedure for the appeal. This email is attached as an appendix.
11. Given the relatively clear and straightforward nature of the issues involved it is considered entirely reasonable for all parties to be able to present their own cases

without the need for an advocate to represent them. It is not considered that any of the four reasons for refusal would require evidence to be given on oath which indicates that a hearing is preferable to an inquiry. It is reasonable to consider, in the particular circumstances of this appeal, that as a local community group seeking to purchase the premises from the appellant, the likely Rule 6 party would feel disadvantaged by the appeal being dealt with by way of an inquiry where other parties would be represented by barristers, particularly as they have expressed a preference for the appeal to be dealt with by a hearing rather than by an inquiry.

12. It is noted that the appellant's justification for the appeal being dealt with by means of an inquiry refers to the length of time that will be required to hear the appeal. It is noted that the length of time an appeal might take to be heard is not a relevant criterion that is referred to in the Inspectorate's published guidance. It is the view of the LPA that the length of time an appeal might take is irrelevant to whether it should best be dealt with by means of a hearing or by an inquiry.
13. For the reasons set out above the LPA strongly considers that the circumstances in this case fit with the Inspectorate's published guidance for dealing with the appeal by a hearing and do not fit with that guidance as it relates to holding an inquiry. The LPA therefore requests that the appeal, which relates to seven dwellings, be dealt with by means of a hearing rather than by inquiry.
14. The LPA considers that much of the factual content relevant to the appeal can be dealt with in the Statement of Common Ground and that no more than three days would be required.

APPENDIX 4 – Appeal Statement; Built Heritage (Cambridge Heritage)

APPEAL STATEMENT
(BUILT HERITAGE)

**LAND TO THE R/O THE
FORMER ODDFELLOWS
ARMS, MAIN STREET,
HIGHAM ON THE HILL,
NUNEATON, CV13 6AE**

MARCH 2025

Cambridge Heritage



Plate 1: Photograph of the former Oddfellows Arms, Higham on the Hill
(November 2024)

PROJECT	0381A - Land to the R/O the former Oddfellows Arms, Higham on the Hill, Nuneaton, CV13 6AE
DATE	March 2025
DOCUMENT	Appeal Statement (Built Heritage)
VERSION	Final
AUTHOR	Jacob William Billingsley, BA (Hons), MSt (Cantab)
REVIEW	David Billingsley, MA, DipArch (Cantab)

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2	Map of Higham on the Hill Conservation Area
3	Google satellite image of the Appeal Site and surrounding area (Google)
4	Appeal site plan (Hayward Architects)
5	Extract from map of Higham on the Hill Conservation Area
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7	Photograph of the Oddfellows Arms, 1906
8	Appeal site plan (Hayward Architects)
9	Appeal building elevations, Units 1 and 2 (Hayward Architects)
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12	Front elevations, Units 6 and 7 (Hayward Architects)

Executive Summary

This statement has been written and prepared by Jacob William Billingsley, Director of Cambridge Heritage Limited, who has more than ten years of continuous employment in the heritage sector for companies including Inskip & Gee Architects, HCUK Group (previously Heritage Collective), and Cambridge Heritage.

The appeal site address is Land to the R/O the former Oddfellows Arms, 25 Main Street, Higham on the Hill, Nuneaton, Leicestershire, CV13 6AH. This appeal proposal is for the provision of 7 dwellings, including the conversion of the former Oddfellows Arms (“Oddfellows”) into two dwellings and the construction of 5 new-build houses [reference: 24/00229/FUL].

Oddfellows is in the Higham on the Hill Conservation Area and the building is identified in the conservation area appraisal as a significant local asset. It was originally built in the 1790s as two cottages, prior to conversion into a public house in 1874.¹ The site operated as a pub until 2018, when it closed. It has been empty for seven years.

A previous planning application (‘22/00124’) for the development of 9 dwellings at the site was refused by the Council on 01.12.2023. Following this refusal, revisions were made to the proposal for the application which forms the subject of this appeal. These revisions included the removal of the large field/ paddock separating the site from the modern housing development to the north, a reduction in the overall quantum of housing, and the retention, repair and conversion of Oddfellows, as opposed to full demolition and rebuilding as previously proposed.

The appeal proposal will preserve the local heritage interest of the site for the following reasons: (i) It will return the asset back to its original, intended use, i.e. as two dwellings; (ii) It will remove unsympathetic 20th century additions to the side and rear of the building, including extensions and areas of hard standing car parking; (iii) It will restore the external appearance of the building and secure a long-term, sustainable use; (iv) The Conservation Officer acknowledges that the proposed changes to the fabric and setting of the building will cause “no harm” to its significance.

Similarly, the appeal proposal will preserve the character and appearance of the Higham on the Hill Conservation Area. None of the principal attributes of the significance of the conservation

¹ Higham on the Hill Conservation Area Appraisal (2009); p.

area, as identified in the Council's adopted appraisal document, will be affected, and there will be no material change to genuinely important views from the public realm. Two key views and vistas identified in the 2009 appraisal have since been highly changed to the point that the new development would not result in a harmful alteration to the character and appearance of the area.

There will be consequential heritage and public benefits arising from the appeal proposal, including the preservation and conversion of the locally listed building, which will be returned to its original use. In addition to securing a long-term, sustainable use for the building, there will other public benefits resulting from the proposal, including the provision of 7 residential units towards the Council's local housing stock.



Plate 2: Photograph of the front elevation of the Oddfellows Arms, November 2024



Plate 3: Photograph of the rear elevation of the Oddfellows Arms, November 2024

1.0 – INTRODUCTION

Qualifications

- 1.1 I am Jacob William Billingsley. I hold the degrees of BA (Hons) in History from King's College, University of London and MSt in Building History from Wolfson College, University of Cambridge. I am a member of the Society for the Protection of Ancient Buildings (SPAB) and an associate member of the Institute of Historic Building Conservation (IHBC).
- 1.2 I am the founding director of Cambridge Heritage Limited, a company which since 2020 has provided independent heritage consultancy on a range of applications involving change to heritage assets in many sectors (e.g. housing, renewables, commercial, infrastructure, etc) throughout England and Wales.
- 1.3 I have advised on hundreds of cases involving change to historic buildings, landscapes, monuments and conservation areas. I have provided expert heritage evidence at public inquiries and many other appeals involving complex applications for alterations to heritage assets and their settings.

Background to this Appeal

- 1.4 This Appeal Statement (Built Heritage) has been prepared by Jacob Billingsley, Director of Cambridge Heritage, on behalf of the Appellant in relation to the refusal of a planning application (reference '24/00229/FUL') for the provision of 7 dwellings, including the development of 5 new-build houses and the conversion of the former Oddfellows Arms into two dwellings.
- 1.5 The current appeal site and its surrounding land has a long planning history which is detailed in the submitted Planning Statement accompanying the original planning application, which was prepared by Pegasus Group.
- 1.6 Prior to the refusal of the planning application which forms the subject of this Appeal, a previous planning application (reference: 22/00124/FUL) for the erection of 9 dwellings on the wider site was refused on 01.12.2023.
- 1.7 Five reasons were provided for refusal of application 22/00124/FUL which included the principle of development, built heritage, the impact on the character and appearance of the local area, the design of the proposal, biodiversity and arboriculture.

- 1.8 Following that refusal in December 2023, a revised planning application was submitted for the development of five dwellings and the conversion of the former public house back into two residential units.
- 1.9 The now appeal proposal 24/00229/FUL was refused by the Local Planning Authority (LPA), Hinkley & Bosworth Borough Council, on 26.09.2024 for four separate reasons (Reasons 1-4). My statement addresses the first and third reasons for refusal of that application.
- 1.10 The first reason for refusal relates to the impact of the application on built heritage, namely the perceived effects of the appeal proposal on the local heritage value of the Oddfellows (NDHA) and on the character and appearance of the Conservation Area, a designated heritage asset.
- 1.11 The third reason for refusal relates to the ‘scale and massing of the proposed five new dwellings’, which is cited by the LPA as resulting in an ‘incongruous form of development’. The Council deemed that the development would feature prominently in ‘views and vantage points and would detract significantly from the character and appearance’ of the area, contrary to Policy DM10 of the local plan and the NPPF.
- 1.12 Reasons 2 and 4, which relate to the loss of a ‘key community facility’ and the adequacy of amenity space provided for Plot 1 of the site are addressed in separate Appeal Statements prepared by the Appellant’s representatives.
- 1.13 I was not involved in planning application ‘24/00229/FUL’, or indeed any of the previous iterations of the development proposal at the now appeal site, but my evidence addresses and rebuts the Council’s first and third reasons for refusal of planning permission, on behalf of the Appellant, Cartwright Homes.
- 1.14 Application ‘24/00229/FUL’ was accompanied by an Archaeological Assessment (reference ABRS Report No. 2024-OFHL) prepared by Archaeological Building Recording Services, dated March 2024, to which I refer in my evidence. I also refer to the Building Condition Survey submitted with the refused application, prepared by Sansom, Hamilton & Co.
- 1.15 In the Heritage Impact Assessment (Chapter 4), I have provided comments on the delegated officers report for the application and Historic England’s written response. I highlight the fact that the circumstances relating to earlier applications at the site

are materially different from those relating to the present appeal, as far as heritage considerations are concerned.

- 1.16 I undertook a site visit to the former Oddfellows Arms and the Higham-on-the-Hill Conservation Area in November of 2024. This included a full walkover of the Conservation Area and its surrounding setting to understand the character and appearance of the built and natural environment, in addition to the ways in which the area has evolved and changed since the adoption of the Appraisal and Management Plan. I have included photographs from my visit to the Conservation Area throughout the report and in Appendix 2.



Figure 1: Historic England Asset Mapping (© Historic England)

Note: blue arrows denote statutorily listed buildings

Appeal Site Description

- 1.16 The appeal site is an area of 0.29 hectares and comprises one main building, the former Oddfellows Arms Public House, which has a series of modern extension and additions to the historic building, and a large area of hard-surfaced car parking to the rear (north).
- 1.17 Further north within the site there is a small strip/ area of grassland which was previously used as a beer garden, and further beyond this to the north there is a separate paddock with pond which is also under the ownership of the Appellant. Modern residential buildings at Hilary Bevins Close have been constructed to the

immediate north of this paddock and to the west is the King George V Playing Field (Figures 2-4). To the east the land rises towards the Church of St Peter.

- 1.18 The Oddfellows Arms is a late 18th century building which is understood to have first been constructed as two cottages. It has chimney stacks at both gable ends and follows a typology which is characteristic of later vernacular Georgian residential architecture, being three-bays wide and three-storeys tall with a central entrance.
- 1.19 The front (south) elevation of the building faces Main Street and is composed of three principal bays. It is three storeys in height but only the upper windows are currently visible, with the ground and first floor fenestration and front doors boarded for safety (Figure 1).
- 1.20 All windows to the front elevation have evidently been replaced and are modern. Historic photographs illustrate that the building's front elevation originally features exposed brickwork, whereas now it is rendered. The porch is also a 20th century Arts & Crafts addition.
- 1.21 It is worth noting that the planning application was supported by a Building Condition Survey prepared by Martin Sansom or Sansom, Hamilton & Co. This outlined that there are significant inherent failures in terms of thermal efficiency, structural damage, future maintenance and damp proofing. Works noted as being required to secure the building included the repair of the electrical wiring system, replacement of water, waste and gas pipework, replastering of water damaged area, the renewal of the heating system and other remedial action to the external elevations, including the pointing and render.
- 1.22 The survey confirmed that the building has suffered from a lack of maintenance over recent years and that unsympathetic alterations have been carried out throughout its history. The findings of the survey concluded that it would be preferable to completely re-build the building using insulated walls, damp proof courses and employing other modern building techniques to ensure that building is suitable for modern living, and to meet modern Building Regulations.
- 1.23 Notwithstanding the preference for rebuilding expressed in the 2020 survey, the appeal proposal is for the repair and reuse of the existing building, to ensure that the remaining contribution that the built fabric on site makes to the area and its historic integrity is maintained and preserved.

Designations

- 1.27 Oddfellows is a non-designated heritage asset (NDHA) which is identified in the Higham on the Hill Conservation Area appraisal as a significant local building. It is described in the appraisal document as follows:

“... built in 1791 as two cottages but in 1862 was converted into one property. It was subsequently purchased by William Webb in 1874 and became a public house. It is thought that the name of Oddfellows is associated with Manchester Unity Oddfellows Club, a Friendly Society whose members contributed when employed and were helped when in need”.

- 1.25 The site is in the Higham on the Hill Conservation Area, which was first designated in 1995. The area encompasses the whole of the historic village core but excluded areas of modern housing to the south-west and north of the appeal site. New development to the north has been constructed since the adoption of the associated appraisal map (Figure 3) in 2009. These houses at Hilary Bevins Close can be seen in the Google satellite image of the site (Figure 4) and in the site photographs taken in November 2024 which are included in my statement.
- 1.26 My statement examines the potential effects and implications of the appeal proposal for the development of 5 new build houses and conversion of the Oddfellows on the local heritage value and setting of the NDHA and on the character and appearance of the Higham on the Hill Conservation Area.

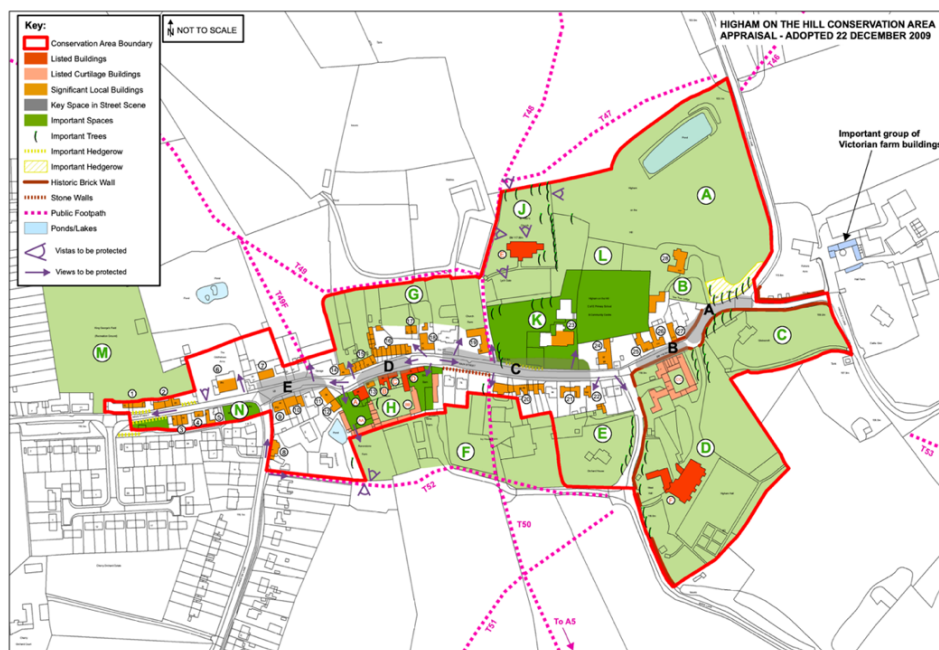


Figure 2: Map of Higham on the Hill Conservation Area

Scope of this Statement

- 1.28 My statement addresses the first and third reasons for refusal of planning application 24/00229/FUL, which read:

“1. The change of use of the remaining original building from a public house to residential use will result in the permanent loss of the longstanding community interest and value of the building, thus removing the positive contribution this makes to its historic interest and having an adverse impact upon its local heritage significance. Furthermore, the introduction of significant new built form onto the site within the Higham on the Hill Conservation Area would not reflect the traditional urban grain of the conservation area and would be uncharacteristic and would erode the existing open character and appearance of the area. Additionally the proposal would have a significantly detrimental urbanising effect on important views and vistas that would reduce the ability to appreciate the rural setting of the Higham on the Hill Conservation Area. For these reasons the proposal has adverse impacts upon the significance of this designated asset and this significant but less than substantial harm is not outweighed by the identified public benefits of the scheme. The proposal is therefore contrary to Policies DM11 and DM12 of the SADMP, section 16 of the National Planning Policy Framework (Dec 2023) and the statutory duty of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.”

“3. By virtue of its scale and massing the proposal for the additional five new dwellings would result in an incongruous form of development that would be prominent in views from public vantage points and would detract significantly from the character and appearance of the application site and the area, contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (Dec 2023).”

- 1.29 My statement will demonstrate that both the first and third reasons for refusal of the planning application are misguided and that the appeal proposal preserves both the local heritage value of the NDHA, and the character, appearance and special heritage interest of the Higham on the Hill Conservation Area.
- 1.30 Reference is made to the submitted Building Condition Survey, Archaeological Assessment, and Planning Statement, and to the response of both the Council’s Conservation Officer and Historic England to the application.



Figure 3: Google satellite image of the Appeal Site and surrounding area



Figure 4: Appeal Site Plan (Hayward Architects)

2.0 – LEGISLATION AND POLICY

Legislative Background

- 2.1 The Inspector is required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas when exercising planning function relating to land within that area.
- 2.2 The Inspector must give considerable importance and weight to the desirability of preserving the significance of the Conservation Area, and there is a strong presumption against the granting of permission for development that would harm its significance.²
- 2.3 For the purposes of this statement, preservation equates to the absence of harm.³ Harm is defined in paragraph 84 of Historic England’s Conservation Principles as a change which erodes the significance of a heritage asset.⁴

National Planning Policy Framework

- 2.4 The National Planning Policy Framework (NPPF) constitutes the Government’s current national guidance and policy regarding development in the historic environment. It is a material consideration and includes a succinct policy framework for local planning authorities and decision takers.
- 2.5 The NPPF relates to planning law by stating that applications are to be determined in accordance with the local plans unless material considerations indicate otherwise. The document was published in 2012 and revised in 2018-2023, most recently in December 2024. Reference is made to the updated paragraph numbers in the 2024 document.
- 2.6 The significance of a heritage asset is defined in the NPPF as being made up of four main constituents: architectural interest, historical interest, archaeological interest, and artistic interest. The assessments of heritage significance and impact

² Barnwell Manor Wind Energy Limited v East Northamptonshire District Council and others [2014] EWCA Civ 137.

³ South Lakeland v SSE [1992] 2 AC 141.

⁴ Conservation Principles, 2008, paragraph 84.

are normally made with primary reference to the four main elements of significance as defined in the NPPF.

- 2.7 The setting of a heritage asset, in this case the NDHA known as the Oddfellows, can contribute to its significance. Setting is defined in the NPPF as follows:

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

- 2.8 Paragraphs 207 to 211 of the NPPF deal with proposals affecting heritage assets, with much emphasis placed on “significance”, defined in Annex 2 as:

‘The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.’

- 2.9 Paragraph 207 of the NPPF places a duty on the Local Planning Authority (LPA) to require an applicant to describe the significance of any heritage assets affected by a proposal, providing a proportionate level of detail. The effects of any development on a heritage asset therefore need to be assessed against the four components of its heritage significance: its archaeological, architectural, artistic and historic interests.

- 2.10 Conservation (for heritage policy) is defined in Annex 2 of the NPPF as:

‘The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.’

- 2.11 The importance and relevance of this definition is that it does not suggest conservation to be the same as preservation. What sets conservation apart is the emphasis on proactively maintaining and managing change and not on a reactive approach to resisting change. In its simplest interpretation conservation could amount to a change that at least sustains the significance of a heritage asset.

- 2.12 Paragraph 210 of the NPPF states that in determining applications, LPA’s should take account of:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.'*

2.13 The NPPF requires the impact on the significance of a designated heritage asset to be considered in terms of either “substantial harm” or “less than substantial harm” as described within paragraphs 212 to 215 of that document. There may also be no harm, or ‘heritage benefits’. Harm is defined by Historic England as change which erodes the significance of a heritage asset.

2.14 National Planning Policy Guidance (NPPG) makes it clear that substantial harm is a high test, and recent case law has described substantial harm in terms of an effect that would vitiate or drain away much of the significance of a heritage asset.⁵

2.15 Paragraph 215 of the NPPF deals with “less than substantial” harm to the significance of designated heritage assets, such as Conservation Areas and statutorily Listed Buildings, and states:

‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’

2.16 The effect of proposals on non-designated heritage assets, such as Oddfellows, are discussed in paragraph 216 of the NPPF, which states:

‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’

2.17 Paragraph 219 of the NPPF states that LPA’s should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. This

⁵ Bedford Borough Council v SSCLG and Nuon UK Limited [2013] EWHC 4344 (Admin).

paragraph explicitly states that proposals which preserve elements of the setting that make a positive contribution to the asset should be treated favourably.

- 2.18 Paragraph 220 of the NPPF acknowledges that not all elements of a conservation area ‘will necessarily contribute to its significance.’ This is also true of Listed Buildings and unlisted heritage assets: modifications / alterations may have been carried out to the asset or within its setting which do not contribute to the heritage value of that asset.

Local Planning Policy **Hinkley & Bosworth Local Plan**

- 2.19 All planning applications in the borough are to be determined in accordance with the policies in the adopted Local Development Framework. In Hinkley and Bosworth these policies are set out within the Core Strategy and Site Allocations and DM Policies DPD.
- 2.20 Of principal relevance to this Appeal Statement are the policies cited in the first and third reasons for refusal of the planning application, namely:

- **DM10 – Development and Design.**

This policy states that development will be permitted providing that the following requirements are met:

- (a) *It would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion.*
- (b) *The amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.*
- (c) *It complements or enhances the character of the surrounding area with regards to scale, layout, density, mass, design, materials and architectural features.*
- (d) *The use and application of building materials respects the materials of existing, adjoining/ neighbouring buildings and the local area generally.*
- (e) *It incorporates a high standard of landscaping where this would add to the quality of the design and siting.*

- (f) *It maximises opportunities for the conservation of energy and resources through design, layout, orientation and construction in line with Core Strategy Policy 24.*
- (g) *Where parking is to be provided charging points for electric or low emission vehicles are included here if feasible.*
- (h) *An appropriate Sustainable Drainage Scheme is submitted to and approved by the relevant Authority. Scheme should incorporate wildlife areas, ponds, swales and permeable paving where appropriate.*
- (i) *It maximises natural surveillance and incorporates the principles of Secured by Design and has considered the incorporation of fire safety measures.*

The policy ends by noting that in exceptional circumstances where outstanding, innovative design is demonstrated, application will be considered favourably, even where this may result in some limited conflict with the above criteria.

- **DM11 – Protecting and Enhancing the Historic Environment.**

This policy states that the Council will protect, conserve and enhance the historic environment throughout the Borough and that this will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets.

All development proposals which have the potential to affect a heritage asset or its setting will be required to demonstrate:

- (a) An understanding of the significance of the heritage asset and its setting; and
- (b) The impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
- (c) How the benefits of the proposal will outweigh any harm caused; and
- (d) Any impact on archaeology in line with Policy DM13.

- **DM12 – Heritage Assets**

This policy states that all proposals affecting heritage assets and their setting will be expected to secure their continued protection or

enhancement, contribute to the distinctiveness of the areas in which they are located and contribute to the wider vibrancy of the borough.

The policy continues that all proposals affecting the significance of heritage assets and their setting will be assessed in accordance with Policy DM11 and will require justification as set out in that policy.

All development is further required by this policy to accord with Policy DM10, cited above.

With regards to Conservation Areas, Policy DM12 states that proposals should ensure the significance of such areas is preserved and enhanced through the consideration and including of important features (as identified in the relevant appraisals and management plans), including:

- (a) Appropriate boundary treatments which reflect the local style and materials which are characteristic of the Conservation Area.*
- (b) The preservation and enhancement of key views and/ or vistas in and out of the Conservation Area.*
- (c) The replacement of dead or dying important trees and hedgerows with those of the same or similar species.*
- (d) Reinforce or mirror the historic street pattern and plan form where feasible.*
- (e) The use of sensitively styled street furniture.*
- (f) The use of natural building materials, preferably locally sourced; and*
- (g) The retention of key spaces within the Conservation Area.*

The policy continues that proposal which seeks to improve identified neutral and negative areas inside designated Conservation Areas, which also lead to the overall enhancement of the area, will be supported and encouraged.

With regards to locally important heritage assets (such as the Oddfellows), the policy states that assets identified as such should be retained and enhanced wherever possible. The significance of these assets should be demonstrated and justified in line with Policy DM11.

Guidance Documents

2.21 Historic England's "The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning: 3 (2nd Edition) notes that the NPPF is clear that the setting of a heritage asset is the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.

2.22 Elements of a setting may make a positive or negative contribution to the significance of the asset, affect the ability to appreciate that significance, or may be neutral. The guidance adds that:

'Setting is not a heritage asset, nor a heritage designation, though land within a setting may itself be designated. Its importance lies in what it contributes to the significance of the heritage asset. This depends on a wide range of physical elements within, as well as perceptual and associational attributes pertaining to, the heritage asset's surroundings.'

2.23 An assessment of the potential effects of the proposal on the setting and significance of a heritage assets should therefore consider using the following staged approach:

- Step 1: Identify which heritage assets and their settings are affected
- Step 2: Assess the degree to which these settings and views make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated.
- Step 3: Assess the effects of the proposed development or work, whether beneficial or harmful, on that significance or on the ability to appreciate it.
- Step 4: Explore ways to maximise enhancement and avoid or minimise harm.
- Step 5: Make and document the decision and monitor outcomes.

2.24 This guidance has been considered when assessing the contribution that setting makes to the significance of the heritage assets likely to see change as a result of the Appeal Proposal, in this instance the non-designated heritage asset known as the Oddfellows Arms.

3.0 – ASSESMENT OF SIGNIFICANCE

- 3.1 This chapter of my statement establishes the significance of the relevant heritage assets in the terms set out in the NPPF, and in the case of the Oddfellows as a non-designated heritage asset (NDHA), it comments on the contribution made by the setting of the building to its significance.
- 3.2 The identification of the heritage assets (Chapter 1) equates in part to Step 1 of GPA3, and the assessment of significance (Chapter 3) equates to Step 2 of GPA3. Steps 2 and 3 of GPA3 are closely connected, so this chapter should be read in conjunction with Chapter 4 of my statement (Heritage Impact Assessment).

Higham on the Hill Conservation Area

- 3.3 The Council’s appraisal of the Higham on the Hill Conservation Area summarises the character, appearance and special interest of the area, which can be broadly distilled as follows:
- Higham on the Hill has a long history and despite not being mentioned in the Domesday Book, the origin of the name ending in “ham” suggests it is of Anglo-Saxon origin. The village has been tied to agriculture over the centuries, with farming being the main source of employment for its residents into the 20th century. In 1220 the church was describes as being in the patronage of the Abbot of Lyra, in Normandy.⁶ Wright’s Directory of 1892 describes the parish as being home, by this time, to a population of around 500 inhabitants.
 - Notably, the village features important listed and unlisted buildings that add to its historic, architectural character and appearance. The architectural landscape is characterised by a mix of building styles and periods, reflecting the village’s historical development from the medieval period onwards. There is nonetheless a relatively cohesive character to the buildings which are generally vernacular in form, style, appearance and material treatment, often featuring red brick, timber windows (both casement and sliding sash) and plain clay tile and slate roof coverings.

⁶ <https://www.crsbi.ac.uk/view-item?i=2958>

- The most significant building in the village is the Grade II* Listed Church of St Peter. The Parish Church features the only complete Norman tower in South Leicestershire. The nave is a late 18th century re-build, designed by H. Couchman. The single bay chancel was added in the Victorian period.⁷ The church is located at the highest point in Higham on the Hill, and the tower is visible for many miles around, being an important landmark. From the end of the footpath from the churchyard it is possible to see the church towers at Stoke Golding and Market Bosworth. Pevsner remarked that ‘the interest of the church is the tower – Norman towers are a great rarity in Leicestershire. It was clearly intended to rise centrally at the E end of the nave.’⁸
- Higham on the Hill is close to the site of the final battle of Bosworth in August 1485. The church tower was likely used for navigation by the armies along the Roman Roads, with the final battle reportedly only a mile or two from the centre of the village.
- The Conservation Area is also defined by its relatively low building density and spacious layout, allowing for expansive green spaces and a landscape-dominated setting. The spatial arrangement reinforces the village’s historic character and rural setting, tranquillity and agrarian quality and history.
- A traditional palate of materials is on display in the buildings within the area which contribute to the cohesive aesthetic and character of the area. These include local red brick work, some buildings occasionally with stone plinths. Roofs generally feature traditional plain tile coverings with slate also used in more recent centuries. Historically, all windows were either traditional Yorkshire sliding sash windows or timber casements, although many have been changed in recent years for plastic versions.
- Key focal points in the conservation area include the entrance at the junction of Main Street and Hinckley Lane with Stoke Lane, extending to the intersection with Barr Lane, a small green space in the village centre, and

⁷ <https://historicengland.org.uk/listing/the-list/list-entry/1178178?section=official-list-entry>

⁸ Pevsner, Nikolaus, et al. ‘The Buildings of England: Leicestershire and Rutland’, (1985; Yale University Press) p.176

the stretch from the intersection with Barr Lane to the junction of Main Street and Higham Lane.

- The area encompasses several open, green spaces which contribute to the village's character. These include the grounds of The Old Rectory and an adjacent field to the north, Higham Hall, Glebecroft and Orchard House, the fields behind the properties on the southern side of Main Street, St Peter's Churchyard, and the field between The Old Rectory and the Church. The open spaces enhance the village's rural ambiance and provide scenic views of the surrounding countryside which are important to its overall charm.
- Famous residents: Higham was home to Lord Geoffrey Fisher, the 99th Archbishop of Canterbury and president at the coronation of Queen Elizabeth II in 1953. Fisher grew up in the village and was a pupil at the local school, with both his father and brother serving as Rector at the church.

3.4 It should be common ground that the above characteristics are key to the significance of the Higham on the Hill Conservation Area, and that the village is a place of special architectural and historic interest and value.

Views and Vistas

- 3.5 The adopted appraisal states in paragraph 5.1 that the village's prominent location at the top of a ridge enables good views from within the area towards the surrounding countryside, especially in the directions of Nuneaton, Atherstone, Stoke Golding and the Ashby Canal. The paragraph then explicitly states that: 'Its historic core however is generally screened from the surrounding area by modern development of thick vegetation.'
- 3.6 The adopted appraisal map from 2009 includes a separate 'view' and 'vista' to be protected from Main Street either side of the Oddfellows Arms looking north (Figure 5). Beneath the map extract I have included photographs towards and across the building from Main Street, from the green space labelled "N" on the map, and from the rear portion of the site, all looking northwards.
- 3.7 Having visited the site and walked around the Conservation Area I am of the opinion that both the view and vista indicated on the map (Figure 5) lack the defining features for which they were presumably originally designated as important views. That is, the long views of the wider rural agrarian surroundings of

the Conservation Area which is now screened from view in the distance by the housing at Hilary Bevins Close.

- 3.8 From Main Street looking north past the Oddfellows there is now a very limited line of sight out to the wider rural context and agricultural setting of the Conservation Area. Both the view and vista from Main Street face northwards towards the modern housing development at Hilary Bevins Close. Importantly and as shown on the photographs (Plates 4-9), the pitch of the rooflines of these modern houses obscures the horizon line and do not allow the fields and landscape behind to be seen. This modern housing estate was constructed *after* the adoption of the appraisal map reproduced in Figure 2 and 5.
- 3.9 While the paddock at the rear of the site can be seen in the view and vista, it is the roofs of the houses at Hilary Bevins Close that are prominent in the long-range views and the foreground is characterised by the modern extensions to the Oddfellows and the large area of concrete car parking. These elements at the front and to the rear of the site add nothing in my view to how the Conservation Area is understood, experienced and appreciated in northward views.



Figure 5: Extract from appraisal map of Higham on the Hill Conservation Area (2009). Please note that the protected vista has been circled in blue and the protected view has been circled in green. There does not appear to be any descriptions attached to these views within the appraisal and there is no indication as to the process for protection of either view or vista.



Plate 4: Google street view of protected vista directly west of the Oddfellows, looking north (May 2012)



Plate 5: Photograph of the corresponding outlook from Main Street looking north in November 2024. Please note the roof profiles of the modern housing at Hilary Bevins Close which obstruct views towards the rural setting of the village pictured in 2012.



Plate 6: Photograph of the protected vista looking northwards past modern extensions to the Oddfellows PH in November 2024. From this position the roofs of the housing at Hilary Bevin's Close also screen from view the landscape behind. In the foreground the fencing, hard standing parking area and extensions to the west of the Oddfellows do not contribute.



Plate 7: Photograph of the front and side elevation of the Oddfellows looking north, November 2024.

Statement of Significance

Oddfellows Arms (NDHA)

- 3.10 The Oddfellows Arms is noted within the appraisal as being a significant local building and I agree with the document in that regard. It was originally built in 1791 as two cottages prior to conversion into a single dwelling in 1862. The source of this information is not cited in the appraisal, which states that the site was subsequently purchased and turned into a public house by William Webb in 1874. Oddfellows continued to be used as a public house until 2018 when it was closed.
- 3.11 It is noted that the Oddfellows Arms is thought to have taken its name from the breakaway society of The Independent Order of Oddfellows Manchester Unity, who often used public houses as the base for regular Society business.⁹
- 3.12 Historic photographs dated to 1905 and 1906 (Figure 6-7) illustrate the front elevation of the building at the start of the 20th century when it was under the operations of “Phillips & Marriott LTD”. The photographs show the original exposed brickwork elevations, the historic timber casement windows (some were already blocked by 1905), and the gable end chimney stacks. The hanging advertisement board, lamp, and metal railings and brick boundary walls are other features of note at the front of the site pictured.
- 3.13 Since the Edwardian era, the front and side elevations of the building have been rendered, the windows have been replaced, and extensions have been added to the side and rear of the structure. A central Arts & Crafts style porch was also added to the front elevation during the 20th century. To the side and rear of the building a relatively large portion of the plot was tarmacked to allow for car parking.
- 3.14 The local heritage value of the building is appraised below with reference to the four key components of heritage significance as detailed in the National Planning Policy Framework:
- **Architectural interest:** The building is a good example of late Georgian residential architecture which was adapted into a public house, originally having been constructed as two vernacular cottages and later converted into a single building and then a pub in the 1870s. The building retains some

⁹ <https://www.oddfellows.co.uk/about/history/>

aesthetic value as a result of its overall form, craftsmanship and decoration, although these elements have been diluted over the years by changes including the rendering of the elevations, replacement of the original windows, the addition of a porch and side/ rear extensions. The core of the building nevertheless demonstrates traditional building methods for both residential and commercial public house buildings. The rear elevation features exposed historic brickwork and dentiled eaves. Internally there are limited original features on display but some lath and plaster ceilings etc are in situ which illustrate traditional building methods and materials from the period.

- **Architectural interest:** Externally the building retains some limited architectural features and detailing which are consistent with the local vernacular and age of the building. These include the position of the corresponding chimney stacks (although they appear to have been rebuilt), the general fenestrations arrangement to the front elevation (although the windows have been replaced), and the position of the central entrance (although there is now a more modern porch). Alterations to the building including the rendering of the previously exposed brickwork elevations, the addition of a porch, the addition of single and two-storey extensions to the side and rear of the building, and the area of hard standing concrete car parking have added nothing to the architectural value of the building and do not contribute its local heritage interest.
- **Architectural interest:** The building retains some integrity in its form and materials although many of the alterations listed above have certainly been to the detriment of how the building is read and appreciated as a complete composition of a traditional character and appearance. Asides from being three-bays wide, three-storeys tall and having corresponding chimney stacks at both gable ends, it cannot be said that the Oddfellows is in anything like its original appearance or condition.
- **Architectural interest:** Notwithstanding the alterations and extensions carried out at the site over the last two hundred plus years, the building still

retains a certain landmark quality and has a visual prominence in short and medium-range views from along Main Street, including from the green space opposite the site to the south of Main Street.

- **Historic interest:** Oddfellows has local historic value deriving from a different source. Having initially been built for residential purposes as two cottages, the building is locally important for providing an insight into vernacular architecture and the social, economic and cultural development of the area. This first use and phase of utilisation provides one layer of local interest, with some illustrative value in demonstrating an aspect of Higham on the Hill's development in the Georgian period. Historic interest is also derived from the use of the building as a public house, with the Oddfellows demarcated as being in public house use on all of the OS maps reproduced in Appendix 1.
- **Historic interest:** The use of the building as a public house adds some community value to the site as a source and place of identity, distinctiveness and social interaction in the village, given that the building served as one of the village's primary meeting places for over a century, contributing to the 'collective memory'. As such it reflects a symbolic interest and has a role in the social history of the community being a source of civic pride.
- **Historic interest:** The building is also of local historic interest as a physical reminder of the past, illustrating the building practices and architectural fashions that were popular from the late 18th century onwards in the area. The building demonstrates the continuation of classically inspired, vernacular, residential buildings into the late Georgian period. It provides illustrative evidence of forms and types of cottage architecture in the region and period.
- **Artistic interest:** Artistic interest is limited to the artistic merit and craftsmanship inherent in the surviving building fabric. This has been further limited by successive waves of alterations to the building. The site does not appear in any significant artistic representations, as far as I am aware.

- Archaeological interest:** A full assessment of the potential below ground archaeological value of the site is beyond the scope of this built heritage Appeal Statement. The building itself provides physical, above ground archaeological evidence of the late 18th century development of this part of Higham on the Hill. The Archaeological Assessment submitted with the full application stated that given the development area is located on the fringe of the historic settlement core of Higham on the Hill, it may therefore contain evidence relating to the medieval and post-medieval occupation of the settlement. It noted: “An archaeological evaluation immediately to the north of the proposed development area in 2014 (Event ID ELE8438) did not reveal any evidence of archaeological features or deposits. The archaeological potential [of the site] could be investigated through a programme of archaeological attendance, the extent and scope of this can be confirmed in conjunction with the Planning Control Archaeologist, Leicestershire County Council.”



Figure 6: Photograph of the Oddfellows Arms, 1905¹⁰

¹⁰ <https://www.hinckleytimes.net/news/local-news/gallery/higham-on-the-hill-history-12119644>



Figure 7: Photograph of the Oddfellows Arm, 1906 (source: Hania Franek)

This photograph demonstrates that the building originally featured exposed brickwork and timber casement windows similar to those found today at No. 60 Main Street. These windows have arched heads with brick voussoirs creating a curved profile to the top of the casement windows. What is also notable from this photograph is that there was development adjoining to the side (east) elevation of the building, meaning no visibility historically to the north from this position along The Street.



Plate 10: Photograph of the front elevation of the building, November 2024



Plate 11: Photograph of the front elevation of the Grade II Listed No. 60 Main Street, November 2024. Please note that this building demonstrates how the Oddfellows would have looked prior to the numerous waves of alterations and interventions which include the rendering of the elevations, the addition of the porch, and provision of side and rear extensions. It was also built in the late 18th century and is almost identical to the original form of the Oddfellows, being three-bays wide, three-storeys tall and featuring the same central entrance, corresponding gable chimney stacks and squatter second floor windows.



Plates 12-13: Photographs of the side and rear elevations of the Oddfellows, November 2024. These photographs show the historic rear elevation of the building with exposed brickwork and dentiled eaves brick detailing, alongside 20th century single and two-storey extensions which do not contribute to its architectural value and/or aesthetic appeal. Removal of later additions and the concrete parking area would be a positive intervention.



Plates 14-15: Photographs of the rear and side elevations of the Oddfellows, November 2024. These views towards the back and side of the building again illustrate the more modern additions to the original late 18th century building from the north and west. These additions which wrap around the building on two sides are demonstrably later phases of work and do not form part of the local heritage value of the site.

Contribution of Setting to Significance

- 3.17 The setting of the former Oddfellows Arms contributes in a varying manner to the way in which it is read, appreciated and understood within its built and natural context. Positive elements of the setting of the asset include the other historic buildings along Main Street which contribute to how the building is appreciated within its historic, village setting, the green space south of the NDHA on the opposite side of Main Street, and the wider open surroundings of the building where they continue to feature in medium and longer-range views past, across and towards the asset.
- 3.18 There are also a number of negative elements which form part of the setting of the asset and do not contribute to how it is experienced. In particular, the immediately surrounding area of hard standing car parking to the side and rear of the building offers nothing in terms of a contribution to how it is experienced, with 20th century extensions to the building also detracting from its immediate setting. Within the wider surroundings of the building, modern housing development to the north has encroached upon the building's setting, but there continues to be a green buffer zone between the back of the asset and this development which is maintained by the paddock and adjacent fields/ gardens.

- 3.19 The following analysis details the important elements of the non-designated heritage asset's physical surroundings and the way in which it is currently experienced from within and outside the area:

The Asset's Physical Surroundings

- **Topography:** Main Street is located on a ridge with the land rising gradually from west to east along the road to the Church. The ground level falls away to the north and west beyond the site, with the undulating landscape previously affording medium and long-range views of the field system and natural boundary treatments which have since been partially interrupted from the surroundings of Oddfellows by the modern housing development at Hilary Bevins Close. The land rises to the east leading up to the Church of St Peter, which is at the highest point in the village. Between the churchyard and the paddock to the rear of the site there are fields, gardens, trees and other vegetation which offers a green buffer between the back of the building and the wider setting of the building.
- **Orientation and aspect:** Oddfellows is orientated with its principal elevation facing south towards Main Street. The secondary side and rear elevations are orientated away from Main Street, with the back elevation facing the network of open fields to the north. As previously noted, this aspect has been altered in recent years through the construction of the houses at Hilary Bevins Close.
- **Other heritage assets:** Higham on the Hill encompasses several listed buildings, most notably the Grade II* Church of St Peter which is located at the highest point in the village. In my view the former Oddfellows Arms is most closely connected with the Grade II Listed Building at No. 60 Main Street, given the similarities in age, design and construction method for the two buildings and the fact that they mirror one another closely stylistically (Plate 11). It is very possible that they were in fact constructed by the same people. The kinetic connection along Main Street mean that the Oddfellows

is often seen in the context of the other historic buildings in the village as one passes through Higham.

- **Definition, scale and ‘grain of surrounding streetscape, landscape and spaces:** The village can be defined by its relating low scale buildings which are spread out across the linear main street. There is a traditional yet haphazard arrangement of buildings which mix residential, community, agricultural and ecclesiastical functions. The landscape surrounding the area is one of agrarian character with rolling hills and a variety of green spaces which are reinforced by boundary features such as hedges and trees. The Grade II* Listed Church of St Peter is the most important and prominent building in the village, with its position at the highest point meaning that it overlooks the surrounding landscape and serves as a focal point to the surrounding spaces.
- **Formal design e.g. hierarchy and layout:** Oddfellows is an important building which features in views along Main Street when passing through the village. The building is constructed close to the road meaning that it is a prominent built feature of the area along this stretch of Main Street. Within the wider conservation area, the church is the hierarchical structure, given its prominent location at the highest point and its Norman tower overlooking the surrounding countryside. Most residential and commercial buildings in the village, including Oddfellows, are subservient to the village hierarchy, with the church at its core.
- **Materials and surfaces:** There is a relatively consistent palate of materials on display to the surrounding buildings, with red brick predominating alongside examples of the use of local stone. Plain tiled and slate roofs are common. Timber is the most characteristic, traditional choice for windows although some buildings feature modern uPVC variants which have been installed in modern times.
- **Green space, trees and vegetation:** These spaces and natural features are crucial and integral to the area’s character and appearance, offering visual relief to the built form and enhancing the general rural ambiance of Higham

on the Hill. To the north of the Oddfellows, the surviving field network and green spaces contribute to its agrarian surroundings.

- **Openness, enclosure and boundaries:** The area features an interplay between the openness of the field system outside the village and the more enclosed spaces and yards within the area itself created by the residential development in the centre of Higham. Natural and planned features such as hedgerows, boundary walls and other treatments and division of land are commonplace in the surrounding area and contribute to the setting of the NDHA in a positive manner.
- **Functional relationship and communications:** The layout of the village allows for communal interactions in the form of pathways, public rights of way and main roads, such as Main Street, to connect key sites.

Experience of the Asset

- **Surrounding landscape/ townscape character:** The landscape and townscape character in the setting of Oddfellows is that of a rural, agricultural village, reflecting the harmonious blend of natural and built environments which surround the asset, and its agrarian history and development.
- **Views from, towards, through and across the asset:** Principal views towards the Oddfellows are from relatively close and medium-range quarters, especially from Main Street where the main elevation of the building is visible. Some strategic viewpoints from around Oddfellows do offers vistas of the village and surrounding countryside, highlighting the scenic quality of the wider setting of the NDHA and the conservation area. As previously noted, however, the views north from Main Street either side of the Oddfellows have been highly altered even since the adoption of the appraisal document and therefore they are limited with regards to enhancing the understanding and appreciation of the rural setting of the building.

- **Intentional intervisibility with other historic and natural features:** While there does not appear to be intentional visibility with any particular asset within the area, the position of Oddfellows on the main road running through the village which itself is positioned on a ridge, affords some views towards the surrounding landscape from the setting of the building. The position of Oddfellows along Main Street means that it is often seen in the context of other historic buildings in the village which are similarly built along the principal street. The key exception to this is the Church of St Peter which is accessed via the lane from Main Street.
- **Visual dominance, prominence or role as focal point:** Oddfellows is a significant local building which is a focal point of this part of Main Street. The hierarchical structure in the village is nevertheless the Church of St Peter, given its location on the highest point in Higham on the Hill. It serves as a landmark building within the setting of the Oddfellows Arms, enhancing the sense of place and serving as a visual anchor from the wider landscape of the village and guiding the viewer's experience to arguably the most significant building in Higham.
- **Noise, vibration and other nuisances:** The area around the Oddfellows offers a sense of peace and seclusion which is characteristic of rural English villages. While predominantly quiet, certain areas within Higham have an increased activity during community events. Overall, it is assessed that the village is a relatively tranquil place which can feel somewhat remote when walking around the surrounding agrarian field system and public rights of way. There is some busyness, bustle, movement and activity associated with the main residential streets and the construction of new areas of housing, particularly to the western portion of the village and beyond the conservation areas boundary to the north.
- **Scents and smells:** The presence of gardens, fields and natural vegetation within the setting of the Oddfellows, particularly to the north of the building where there is a green buffer zone between the buildings along Main Street and the modern housing development. These open green spaces contribute

positively to the sensory experience of Oddfellows and the other historic buildings in the conservation area.

- **Diurnal changes:** The appearance of the village and its ambiance undergoes a subtle shift from day to night, which is influenced by natural light and human activity patterns which have introduced artificial lighting in parts of the area.
- **Sense of enclosure, seclusion, intimacy or privacy:** The surroundings in which Oddfellows are experienced feature both narrow lanes, enclosed gardens, and more public open spaces and streets which meaning that the building is appreciated in a range of intimate and less private spaces.
- **Land use:** Land use in the surrounding area is principally residential and agricultural in nature, with some wider community and commercial functions interspersed. This includes the village church.
- **Accessibility, permeability and patterns of movement:** The village has a network of roads, footpaths and trails which allow connectivity from within and to the surrounding area and landscapes. This includes public rights of way which run between Main Street and the land to the north of Oddfellows, shown on the OS maps reproduced in Appendix 1.
- **Degree of interpretation or promotion to the public:** There is some information available regarding the area's history and significance, including an information board outside the church, in the village itself. Online there are multiple sources of information available to access and other entries in the local and national archives present evidence of the history of the village.
- **Cultural associations, traditions:** Higham on the Hill has historical ties to local traditions and events, enriching the cultural narrative of the village. These include the final battle of Bosworth some mile and a half away.
- **Celebrated artistic representations:** While specific artistic depictions or representation of the village may be limited, the area undoubtedly has a quintessentially English character and charm which has inspired countless forms of cultural and artistic expression.

Summary of Significance

Oddfellows Arms (NDHA)

- 3.20 In summary, I define the local heritage value of the NDHA as comprising several different facets starting with its original role as a late Georgian vernacular building, reportedly constructed as two cottages and later converted during the Victorian era into a public house. Its second use as a public house forms one element of its local historic interest, but this should be held in the context of the other components and attributes of its heritage value.
- 3.21 These include the surviving historic building fabric and the form and arrangement of the composition, principally the front elevation, with its symmetrical three-bay, three-storey arrangement and window pattern which is consistent with other contemporary buildings in the village (especially No. 60 Main Street).
- 3.22 Its origins as a dwelling, or pair of cottages, in the late Georgian period is another element of its heritage value, given that this is its original intended use and it functioned for this purpose for the best part of a century.
- 3.23 The position of the building within the village core and its landmark qualities in views along Main Street also contribute to its interest. The building also has some architectural merit in illustrating the local vernacular and traditional building methods and materials, although successive waves of alterations and additions have somewhat diminished this aspect of its value.
- 3.24 It is undeniable that the building has undergone numerous phases of alteration and modification both to its fabric, immediate surroundings and wider setting. These changes have resulted in a varying degree of reduction and/ or loss of its local heritage value and historic integrity. There is however the opportunity to reverse and remediate some of these later alterations, a point which is discussed further in the Heritage Impact Assessment (Chapter 4).
- 3.25 In heritage terms, the value of the building can be described as moderate or medium within the category of non-designated heritage assets. That is to say, it would be a credible addition to the local list but would fall short of the requirements for statutory listing (i.e. it is not in my opinion assessed as being of special architectural or historic interest).

4.0 – HERITAGE IMPACT ASSESSMENT

Introduction

- 4.1 This chapter of my statement describes how the proposed development will affect the character and appearance of the Higham on the Hill Conservation Area and the local heritage value and setting of the former Oddfellows Arms, i.e., the designated and non-designated heritage assets identified in the preceding chapter. It equates to Step 3 of GPA3. Steps 2 and 3 are closely connected, and therefore this chapter should be read in conjunction with Chapter 3 (Statement of Significance).



Figure 8: Appeal Site Layout (Hayward Architects)

The Proposed Development

- 4.2 The description of development for the application was as follows:

“The erection of 5 dwellings and the conversion of the ‘Oddfellows’ into 2 dwellings along with access and parking.”

- 4.3 The appeal site layout has been reproduced above (Figure 8). The spatial arrangement of the new development is for four new dwellings to the rear (north) of the Oddfellows, and one new dwelling to the side (west) of the building,

alongside its conversion back into two residential units. To facilitate these changes, the 20th century extensions of no interest and the area of hard standing car parking are to be removed.

- 4.4 Works to the external elevations of Oddfellows are shown on Figure 9. The intention is to remove mid-20th century extensions, re-cover the main roofs with slate, install new insulated windows, and provide insulated render to improve the thermal performance of the building. A series of other remedial works are necessary to bring the building into a sustainable use, which are outlined in the Building Survey Report submitted with the application. Overall these should be considered a heritage benefit.
- 4.5 The existing front double door is proposed to be replaced by a single composite door to match the side porch. Obscured glazing is proposed to the side elevation lighting the stairs, and the window treatment to the side/ rear elevations will be simple to reflect the original vernacular form and appearance of the building and its historic solid-to-void ratios.
- 4.6 Each of the seven dwellings shown, including the two contained within the envelope of the former Oddfellows Arms and the five new-build houses, are to be provided with ample garden space above 60 sqm per unit, with Unit 5 having 110 sqm of amenity space. This will ensure adequate spatial distinction and separation between new built form and the existing Oddfellows.
- 4.7 Access to the rear plots is provided to the west of the Oddfellows, following removal of 20th century extensions to the original building. This will maintain part of the view from Main Street northwards past the Oddfellows towards the surrounding built and natural context, including Hilary Bevins Close in the background.
- 4.8 The front elevations of the proposed new-build houses at the rear and side of the plot have been reproduced in Figures 10-12. Three separate designs were prepared for these units, each representing subtle architectural differences whilst employing features and a general design which take cues from the local historic environment in a contextual, sympathetic manner. The houses are approximately 8m tall.
- 4.9 The building typologies for the new-build houses each feature a central entrance and brick elevations, asides from Unit 3, which is rendered. It is notable that from

the public realm, it is principally the house at Unit 3 which will be seen, given its proposed location adjacent to Oddfellows along Main Street. Each of the three house typologies has nevertheless been designed with 360-degree outlooks to ensure they appropriate when seen from all positions in the surrounding area.

- 4.10 The detached houses are three-bays wide and mirror some architectural features of the NDHA and other traditional buildings in the area. They are appropriate in scale, bulk and massing, being two-storeys tall and approximately 8m tall. They will also utilise traditional building materials, whilst ensuring a high standard of construction and efficiency in accordance with modern building regulations.
- 4.11 With regards to landscaping, the refused application was accompanied by a landscaping plan for the rear paddock, which has been excluded from the proposed development area following previous refusals at the wider site for more units.
- 4.12 I now turn to the effect of the proposed development and conversion works on the significance, character and appearance of the heritage assets, with particular regard to the design and layout of the five new dwellings and the external works required to facilitate a long-term sustainable use for the NDHA and convert it back into residential use.

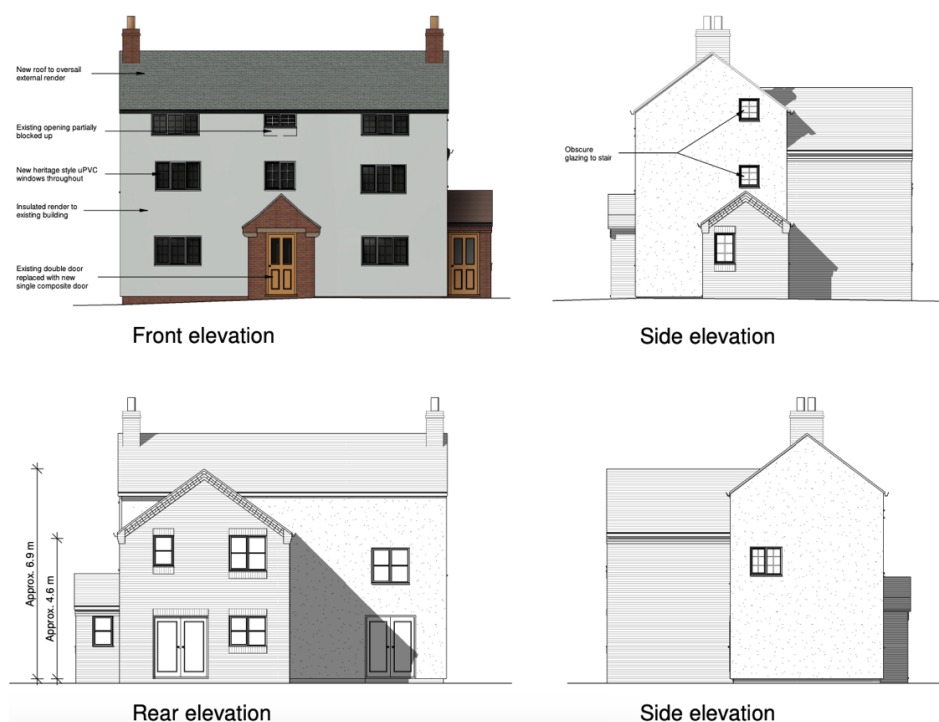


Figure 9: Appeal Building Elevations, Units 1 and 2 (Hayward Architects)



Figure 10: Front Elevation, Unit 3 (Hayward Architects)



Figure 11: Front Elevations, Units 4 and 5 (Hayward Architects)



Figure 12: Front Elevations, Units 6 and 7 (Hayward Architects)

Impact Assessment

Higham on the Hill Conservation Area

- 4.10 In terms of its effect on the character and appearance of the Higham on the Hill Conservation Area, the appeal proposal will have a very slight impact on the area as a whole. It would result in only a very minor change to the level of built form and development in the village through the provision of five new houses on the plot, which is currently a derelict area of hard-standing car parking of no heritage interest and poor visual appearance.
- 4.11 The development would result in some change to views past the Oddfellows towards the surrounding landscape northwards, although this change should be balanced with the positive interventions to the area which include the removal of modern extensions to the side and rear of the Oddfellows, the removal of the large area of tarmacked car parking to the rear of the building, and the repair and retention of the Oddfellows itself which will be returned to its original use.
- 4.12 At the rear (north) of the site, the paddock and pond, which serve as a green buffer zone between the Conservation Area and the surrounding land to the north, which includes Hilary Bevis Close, would be maintained through exclusion of the paddock and pond from the proposed development area.
- 4.13 It is notable that the appeal proposal would not impact any of the key characteristics contributing to the character, appearance and heritage significance of the Conservation Area, as outlined in the adopted appraisal document and my distillation of its key components in Chapter 3.
- 4.14 In my assessment, the development of the five new houses would preserve the character and appearance of the area for the six following reasons:

(I) *Compliance with Conservation Area Principles*

- The proposal maintains the traditional scale, form, and materials of the village, ensuring that the new houses integrate well into the area.
- Two-storey dwellings are in keeping with the predominant building heights and massing found within the village.
- The use of traditional building materials (e.g., brick, slate, render) will ensure visual continuity with the surrounding built environment.

(II) *Respecting the Grain and Character of Development*

- The layout follows the established pattern of development in this part of the area, maintaining appropriate building lines, plot sizes, and spacing between the new houses.
- The development avoids overdevelopment, with well-proportioned gardens and spaces that reflect the area's rural character whilst providing sustainable housing for future residents.
- Existing hedgerows, trees, and boundary treatments will be retained and reinforced to maintain the rural aesthetic and prevent urbanisation.

(III) *Environmental and Energy Efficiency Benefits*

- The new homes will be well-insulated and energy-efficient, contributing to sustainability objectives while reducing long-term energy costs for future residents.
- Traditional construction techniques will be combined with modern insulation and efficiency measures, ensuring long-term durability while meeting contemporary environmental standards.

(IV) *Housing Need and Sustainable Growth*

- The provision of seven new homes in total represents a small-scale and proportionate development, addressing local housing needs without overwhelming the village's infrastructure or services.
- Small developments such as this contribute to the village's long-term sustainability, ensuring a modest increase in population that can support local businesses, schools, and community facilities.
- The project aligns with local and national planning policies, which support limited and well-integrated development in rural areas to maintain vitality.

(V) *Limited Visual and Heritage Impact*

- It is notable that the protected views and vistas either side of the Oddfellows have been highly altered with the development at Hilary Bevis Close, which was constructed after the adoption of the appraisal map specifying that the views are protected and important.
- The positioning of the houses, with three located to the rear of the Oddfellows and two on the western part of the plot has been carefully considered to ensure minimal disruption to views to outside the Conservation Area.

- As such, the houses will preserve the openness of the landscape in the distance where it remains and maintain sightlines through to the paddock in the foreground which serves as a buffer. The houses will also avoid visual dominance, in my opinion, through the site layout and the scale, bulk and massing of the houses which are limited to two-storeys in height for each dwelling.
- By following traditional design principles and avoiding inappropriate modern interventions, the development enhances rather than detracts from the historic character of the village.

(VI) *Mitigation Measures and Planning Conditions*

- Landscaping, boundary treatments, and materials could have been secured via planning conditions to ensure the development respects and responds to the local characteristics. During the construction phase, a construction management plan could be implemented to ensure the tranquillity of the village is maintained.

4.15 With regards to the impact of the development on the character and appearance of the Conservation Area, I consider that the modest scale of the building proposed, the reduced quantum of development, their traditional design and use of appropriate materials, alongside the careful integration of the buildings into the existing village fabric will ensure that they preserve the significance of the area.

4.16 This development would, in my view, represent an appropriate and sensitive response to accommodate local housing needs in a sustainable location whilst respecting the special character of the Higham on the Hill Conservation Area. The clear balance between heritage protection through repair and conversion of the Oddfellows into a long-term sustainable use, and environmentally sustainable community benefit through the provision of houses means the proposal is justifiable under national and local planning policy and guidance.

Impact Assessment

Former Oddfellows Arms (NDHA)

4.17 The Conservation Officer accepts in the first paragraph of their response to the application (reproduced in paragraph 6.1 of the delegated officers report) that the

proposal ‘will cause no harm to the significance of the Oddfellows Arms as a non-designated heritage asset through changes to its fabric or setting...’.

- 4.18 I agree with this part of the assessment and conclude that the alterations to the building would in fact result in an overall positive impact, given that they will repair and renew historic fabric where it remains, and remove unsightly modern extensions to the side and rear of the building and to the adjoining land.
- 4.19 The Conservation Officer considers that harm would arise through the loss of the public house use of the building. The Officer also considers that this aspect makes a ‘considerable contribution’ to its local heritage value and therefore the harm to the NDHA is ‘moderate.’
- 4.20 In my assessment, the change from public house use back into residential use would result in some loss of heritage value. With this said, returning the building back to its original, intended use, which should also be considered a long-term sustainable use, goes a long way to balancing this perceived harm deriving from its change of use.
- 4.21 Furthermore, the building will be appropriately repaired and renewed through positive interventions to its existing fabric. The proposal also seeks to remove modern extensions at the back and side of the building and the large area of car parking which are detracting elements of the current layout and setting of the building.
- 4.22 Paragraph 216 of the NPPF states:

‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’

- 4.23 In my view, a balanced judgement in this instance would recognise that the existing public house use, which was introduced to the site in the mid-Victorian period, is only one component of its local heritage value. Other components will be preserved and enhanced. In other words, there are several positive aspects of the proposal which weigh in favour the application.

4.24 With regards to the impact of the five new houses proposed to the west and north of the building within the immediate plot, the following analysis utilises the checklist and detailed list of attributes to assist in further elucidating and determining the potential effects of the houses on the setting of the Oddfellows as a non-designated heritage asset:

Location and siting of Works:

- **Proximity to Asset(s):** The new houses are proposed to be located within the immediate surroundings of the former Oddfellows Arms, with Unit 3 to the west of the building fronting Main Street and Units 4-7 located to the rear of the plot. The area of the plot currently proposed for housing is currently formed of the large area of hard standing car parking and does not contribute to its setting. The paddock further north is not part of the proposed development area.
- **Position in relation to relevant topography and watercourses:** The land slopes away to the west and north meaning that the houses at the rear will be set slightly down on the site when compared with the ground level along Main Street. No watercourses are to be impacted by the development, with the pond in the rear paddock to the north retained.
- **Position in relation to key views to, from and across:** Key views *towards* the building are principally from along Main Street where the front elevation of the building is best seen from. Other important views are from the green space south of the site, while secondary and peripheral views are from the rear (north) of the site towards the building. As previously noted, views across the asset northwards from Main Street either side of Oddfellows have been altered to a high degree over recent years and there is now minimal appreciation of the rural countryside from these positions. Views from the rear and front will be enhanced by the removal of modern extensions and the area of car parking, in addition to the renewal of the former Oddfellows Arms.
- **Orientation:** The houses have been orientated in an appropriate manner for the site, its size and dimensions, and indeed its location in the village. The

orientation and spacing of the houses will allow for visual separation between the new buildings to ensure they do not result in a significant urbanising effect.

- **Degree to which location will physically or visually isolate the asset:** The appeal proposal will not physically or visually isolate the building. There is an appropriate degree of spacing between the asset and the new houses both to the side and rear to ensure that Oddfellows retains its landmark qualities along this part of Main Street.

Form and Appearance of Works

- **Prominence, dominance, or conspicuousness:** At two-storeys tall, the new buildings will not introduce overly prominent or dominant buildings into this part of the village and the scale of the houses are considered appropriate to the grain of buildings in the vicinity. The four new houses at the rear of the site will be relatively inconspicuous from Main Street, while the new house at Unit 3 will be more readily appreciable from the public realm and the principal street.
- **Competition with or distraction from the Asset:** The proposed development would not compete with or distract from the Oddfellows Arms, which is to be restored and renewed. There is adequate spatial separation between the buildings and the Oddfellows to ensure that there is not competition in built form, and the fact that the houses will be limited to two storeys in height will maintain a sympathetic approach.
- **Dimensions, scale, massing and proportions:** As shown in the supporting information, the scale, massing, proportions and dimensions of the new-build houses are appropriate to their context. The houses are relatively modest by modern standards and complement the size of other buildings found locally.
- **Materials:** An appropriate palette of traditional materials is to be utilised for the development to ensure that the new houses reflect specific materials found locally in Higham on the Hill and at the Oddfellows more specifically.

This includes the use of brick, slate and timber which are consistent with the materiality of the historic building stock.

- **Introduction of movement or activity:** Following completion of the works proposed, there would be no detrimental change to the level of movement or activity at the site.

Wider Effects of Works

- **Change to built surroundings and spaces:** The application would result in some change to the built surroundings and spaces around Oddfellows. Modern 20th century additions adjoining to the building would be removed and the area of car parking would be taken up and developed with five new build houses. The change to the built surroundings and spaces would in my views be neutral, given the fact that the existing features surrounding the building make no contribution to the way it is appreciated and understood and because the houses utilise a traditional form and appearance and sympathetic materials.
- **Noise, odour, vibration, dust, etc:** Given the small-scale nature of the development, which is in my view an appropriate quantum of houses for this village location and the size of the plot. This means that these factors are unlikely to detrimentally change as a result of the appeal proposal.
- **Lighting effects:** Any new lighting associated with the new residential buildings is to be minimal and sensitive to the village character and its rural surroundings whilst illuminating the buildings introduced where necessary.
- **Change to general character:** There will be no change to the general character of the non-designated heritage asset resulting from the proposed development within its setting.
- **Change to public access, use or amenity:** There will be no change to public access, use or amenity at the site given that the public house has been closed since 2018.
- **Changes to land use, land cover, tree cover:** Land use will be changed from uses relating to the public house functioning of the site over the last century, back into the use of the site for residential functions, as originally planned.

Land cover will be altered in several ways. Firstly, extensions and additions to the original building will be removed and the area of hard standing car parking to the side and rear will be taken away. Five new houses are proposed to be interspersed with the landscaped area and the access route which leads off Main Street past the west elevation of the Oddfellows. Tree cover around the plot is to be maintained as part of the application.

- **Changes to communications/ accessibility, permeability:** There would be no impact on public routes, including on any public rights of way.
- **Economic viability:** An assessment of the economic viability of the proposal is beyond the scope of my built heritage Appeal Statement.

Permanence of the Works

- **Recurrence:** Following completion of the proposed development there would be no recurrence of building works, provided that regular maintenance is undertaken to the renewed historic building and the new-build houses.
- **Reversibility:** The proposed works would reverse modern, 20th century alterations to the building, in particular at the side and rear of the site.

Summary of Impacts

Former Oddfellows Arms (NDHA)

4.25 In summary, I believe that when taken as a whole, the direct and indirect works to the building and its setting would preserve its local heritage value. While there would be some loss of local historic interest as a result of the change of use from public house back to residential, this minor level of harm should be weighed in the context of the other positive interventions being carried out, which include removal of modern extensions of no value, repair and renewal of the historic building, and the securing of its long-term sustainable use.

Analysis of Conservation Officer Response [24/00229/FUL]

4.26 The HBBC Conservation Officer's response to the application is included in paragraph 6.6 of the delegated officers report. This starts with an acknowledgement that 'overall, the proposals will cause no harm to the

significance of the Oddfellows Arms as a non-designated heritage asset through changes to its fabric or setting...’

- 4.27 In the view of the Officer, however, the ‘permanent change of use of the building resulting in the permanent loss of its longstanding community interest and value and associated historic interest does have an adverse impact upon its significance.’
- 4.28 The Conservation Officers considers that the harm to the building is ‘to be moderate’, given the ‘considerable contribution this aspect makes to the local heritage significance.’ In my view, the balanced judgement required under paragraph 216 of the NPPF should recognise that the use of the building as a public house represents only one component of its local heritage value and not the entirety of its significance. This diminishes the other aspects of its interest as a significant local building.
- 4.29 Furthermore, the appeal proposal offers consequential benefits to the value of the NDHA which include the removal of modern extensions of no value, general repair of the building and required remedial works, the removal of the large area of car parking, and the securing a long-term sustainable use. The proposal also contributes positively to meeting the local housing need and contributes to the sustainability objectives set out in the NPPF.
- 4.30 It is notable that the submitted Archaeological Heritage Assessment found no clear harm to the character and appearance of the Conservation Area and I agree with this assessment. The proposed renovations to the Oddfellows and the material choice for the new buildings will reflect the traditional characteristics of the village to ensure the development integrates well. I believe that the urban grain and open character concerns expressed by the Conservation Officers could be mitigated through landscaping and boundary treatments, which could themselves have been secured via condition.
- 4.31 Similarly, planning conditions could ensure that appropriate materials and detailing, as requested, mitigate any perceived harm resulting from the form of the new houses. This may include the use of brick boundary walls instead of timber fencing through a landscaping condition, as recommended by the Officer.

Analysis of Historic England Response [24/00229/FUL]

- 4.32 A written response to the planning application, dated 12/04/2024, was prepared by Historic England. This identified that the site is in the Higham on the Hill Conservation Area and that the Oddfellows is a significant local building.
- 4.33 Historic England note that the village is an agricultural settlement, set out as a ridge-top linear village. It is commented that Main Street consists of a series of subtle bends and gentle curves which are reinforced by key buildings.
- 4.34 In relation to the Oddfellows, it was noted that the building ‘has a strong street presence and is clearly a building of interest and age within the conservation area.’ I agree with this element of their response to the application.
- 4.35 Attention was drawn to the exclusion of the rear paddock from the new application, and then the potential effects of the development of the new houses on the two protected views identified in the 2009 appraisal:

“Historic England has raised concerns about earlier schemes at the site, some of which included the field to the rear. It is noted that this application excludes the field to the rear, would retain and convert the Oddfellows Arms to two residential units, with some alterations, and reduce the number of houses within the site. Three dwellings are proposed to the rear of the existing building and two detached buildings to the west, one being a frontage building and the other to the rear of the site.

The dwellings proposed to the rear of the Oddfellows Arms would interrupt the protected view to the east of the premises, identified in the Conservation Area Appraisal. The frontage building to the west of Oddfellows Arms and the dwelling proposed to the rear of that would include part of the protected vista to the west of Oddfellows. Harm to these views through development would have a harmful impact to the character and appearance of the conservation area.

In addition, the buildings in the northern half of the site would go against the grain of development for the conservation area and wider village. This would erode the existing character and appearance of the conservation area. A revised layout and reduction of units could reduce this impact, and better respect the historic grain of the settlement.”

- 4.36 Historic England start by recognising that the quantum of development has previously been reduced on several occasions. They also point to the exclusion of

the paddock from the site new development site. Nevertheless, it was felt that harm would arise through the impact on the views identified in the appraisal.

- 4.37 In response, I reiterate that the protected view and vista looking northwards from Main Street past the Oddfellows have both been altered since the adoption of the appraisal map in 2009, with the rooflines of the modern housing development north of the Conservation Area featuring prominently and shielding the field system on the horizon from much of the views (Plates 4-6).
- 4.38 Furthermore, the proposal would remove modern additions to the side and rear of Oddfellows, in addition to the large area of hard-standing car parking, whilst also uplifting the appearance of the NDHA through the repair works proposed, including re-pointing and re-rendering, replacing the roof coverings with like for like materials and replacement of the windows. It would also provide a long-term sustainable use for the building, which is in fact its original intended use.
- 4.39 New development does not necessarily equate to harm. While the proposal would result in some change to already highly altered views, the rear paddock has been explicitly excluded from the area of the proposed development, meaning that the green buffer between the conservation area and its setting will be maintained. The plot is comfortably capable of accommodating the quantum of development proposed.

Whilst the proposal involves the retention of the existing building of local significance, and is much reduced from previous schemes that have been put forward for the site we consider the proposals would fail to preserve or enhance the character and appearance of the conservation area, causing a lower level of less than substantial harm to the significance of the conservation area.

Should the Council consider that public benefits of the proposal outweigh the harm to the heritage asset, we would recommend that appropriate measures be included in any consent to ensure matters of detail could be monitored and that the detail, quality and execution of the intended approach is achieved.

- 4.40 It is recognised here that in the opinion of Historic England, despite the retention and repair of the Oddfellows and the reduction in the quantum of development and removal of the rear paddock, the proposal would not preserve or enhance the Conservation Area.

- 4.41 Historic England claim that harm to the character and appearance of the conservation area would be ‘at a lower level of less than substantial harm’. An assessment of harm is, in my opinion, erroneous, especially as it neglects the positive interventions resulting from the development including removal of modern additions to the Oddfellows, repair and sustainable re-use of the building, alongside the removal of the areas of hard standing car parking around the NDHA.

Comment on Reasons for Refusal

Reason 1

- 4.42 The first reason for refusal conflates a number of different issues and I wish to treat each issue in turn:

“1. The change of use of the remaining original building from a public house to residential use will result in the permanent loss of the longstanding community interest and value of the building, thus removing the positive contribution this makes to its historic interest and having an adverse impact upon its local heritage significance. Furthermore, the introduction of significant new built form onto the site within the Higham on the Hill Conservation Area would not reflect the traditional urban grain of the conservation area and would be uncharacteristic and would erode the existing open character and appearance of the area. Additionally the proposal would have a significantly detrimental urbanising effect on important views and vistas that would reduce the ability to appreciate the rural setting of the Higham on the Hill Conservation Area. For these reasons the proposal has adverse impacts upon the significance of this designated asset and this significant but less than substantial harm is not outweighed by the identified public benefits of the scheme. The proposal is therefore contrary to Policies DM11 and DM12 of the SADMP, section 16 of the National Planning Policy Framework (Dec 2023) and the statutory duty of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.”

- 4.43 It is accepted that the proposal will result in the change of use of the building from a public house back into residential use. This is undeniable. While the loss of the existing public house use is proposed, this would only result in a change to one component or element of the buildings’ local heritage value.
- 4.44 The first reason for refusal reads as if the entirety of the interest and value of the building would be removed, which is not the case. It also neglects to mention that the use of the building would technically be returned back to what is understood to be its original, intended use, i.e. as two dwellings, which is a sustainable long-

term use for the building. The description of the building in the adopted appraisal document states that it was built as two cottages.

- 4.45 Next, in my view, the buildings proposed to the rear and side of the Oddfellows do complement the built characteristics of the Higham on the Hill Conservation Area and do in fact reflect the traditional urban grain of buildings within the area with regards to scale, materials, architectural design and general layout.
- 4.46 Far from introducing ‘significant built form’ into the Higham on the Hill Conservation Area, the appeal proposal is for a much-reduced number of additional houses at the site when compared with previous application and the buildings proposed are sympathetic to the existing historic stock in many regards.
- 4.47 I also disagree with the assessment in the first reason for refusal that the proposal would have a ‘significantly detrimental urbanising effect on important views and vistas that would reduce the ability to appreciate the rural setting’ of the area. It is reiterated that these views northwards from the site and Main Street have already been highly altered since 2009 with the development and Hilary Bevis Close which features prominently in such views. Furthermore, the paddock and pond to the back of the site is to be retained as undeveloped to leave a buffer between the residential areas.

Reason 3

- 4.48 The third reason for the refusal relates to the scale and massing of the five new-build houses, and their perceived incongruity, stating:

“3. By virtue of its scale and massing the proposal for the additional five new dwellings would result in an incongruous form of development that would be prominent in views from public vantage points and would detract significantly from the character and appearance of the application site and the area, contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (Dec 2023).”

- 4.49 Again, I reiterate my views that the scale and massing of the houses are appropriate, being two-storeys which is consistent with the prevailing scale, bulk and massing of the other residential buildings within and outside the conservation area. The three types of dwelling typologies proposed for the building are not

incongruous. They are traditionally styled buildings which use complementary materials in a modern way to ensure energy efficiency and high standards of modern living.

- 4.50 The third reason for refusal repeats the perceived issues with the proposed development cited in this first reason by stating that the new development would 'be prominent in views from public vantage points.'
- 4.51 In my opinion the development would comply with Policy DM10 of the Site Allocations and Development Policies Development Plan Document (2016) and the heritage related policies in the historic environment chapter of the updated NPPF.

5.0 – SUMMARY AND CONCLUSIONS

- 5.1 This Appeal Statement (Built Heritage) has been prepared by Jacob Billingsley, Director of Cambridge Heritage, on behalf of the Appellant, Cartwright Homes, in relation to the refusal of a planning application [24/00229/FUL] for the construction of five new dwellings and the conversion of the Oddfellows Arms back into two residential cottages.
- 5.2 The former Oddfellows Arms was built in the 1790s. It was originally constructed as two cottages, prior to conversion into a public house during the Victorian period. The appeal scheme would return the building back to its original, intended use, and would remove unsightly extensions which were added to the building in the 20th century and currently detract from the heritage value of the site.
- 5.3 The Higham on the Hill Conservation Area is a place of special architectural and historic interest. It is an agricultural settlement, set out as a ridge-top linear village, with Main Street consisting of a series of subtle bends and gentle curves which are reinforced by key buildings in the village, including the former Oddfellows Arms.
- 5.4 Now a building of significant local interest (NDHA), the Oddfellows Arms continues to make a positive contribution to the character and appearance of the Higham on the Hill Conservation Area, even though it has undergone changes to its use, detrimental alterations and extensions over time, and has been empty for several years since closure in August 2018.
- 5.5 The appeal proposal involves the conversion of the former Oddfellows Arms back into two residential units, alongside the development of five new-build dwellings within its curtilage, to the west and north of the building.
- 5.6 It is notable that the proposal will result in consequential heritage benefits, including returning the building back to its original, intended use, the repair and renewal of the building, the replacement of a large area of hard-standing carparking, and the removal of unsightly modern extensions of no heritage value.
- 5.7 With regards the effect of the appeal proposal on the heritage value of the former Oddfellows Arms (NDHA) and the character and appearance of the Higham on the Hill Conservation Area, the following conclusions have been drawn:

- Oddfellows (NDHA) – the appeal proposal will preserve and enhance the local heritage value of the building, that it will: (i) return the use of the building back to its original, intended use; (ii) replace a large area of unsightly hardstanding car parking; and (iii) remove 20th century extensions to the building which currently detract from its appearance.
- Higham on the Hill Conservation Area – the appeal proposal would preserve the character and appearance of the area. None of the principal attributes of the Conservation Area, as identified in the Council’s appraisal will be affected. The change to views resulting from the proposal would be relatively minor and the key views and vistas identified in the LPA’s appraisal have already been altered since the adoption of the document. There is preservation for the purposes of the decision maker’s duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990.

5.8 In addition to the consequential heritage benefits which will arise from the appeal proposal, there would be several non-heritage related public benefits associated with the scheme, including the provision of residential units towards the LPA’s housing stock and other employment benefits. The public benefits associated with the appeal proposal are detailed in other supplementary appeal documents.



Appendix 1.3: Leicestershire OS map; 1913



Appendix 1.4: Leicestershire OS map; 1923

7.0 – APPENDIX 2: SITE VISIT PHOTOGRAPHS



Appendix 2.1-2.2: Photographs of the Church of St Peter, Higham on the Hill



Appendix 2.3-2.4: Photographs of the Church of St Peter, Higham on the Hill



Appendix 2.5-2.6: Photographs of the Church of St Peter, Higham on the Hill



Appendix 2.7-2.8: Photographs of historic buildings in the Conservation Area



Appendix 2.9-2.10: Photographs of historic buildings in the Conservation Area



Appendix 2.11-2.12: Photographs of historic buildings in the Conservation Area

APPENDIX 5 – The Economic Viability of Sustaining Public House Use (Fleurets)

The Economic Viability of Sustaining Public House Use

Prepared by: Anthony Barnes BSc (Hons) MRICS

In respect of the Premises known as

The Oddfellows

**Main Street, Higham on the Hill, Nuneaton, Warwickshire
CV13 6AE**

24 February 2025





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APPENDIX 1 – UK QUARTERLY BEER BAROMETER

APPENDIX 2 – ECONOMIC COMMENTARY

APPENDIX 3 – PUBLIC HOUSE MARKET COMMENTARY

APPENDIX 4 – EXTRACT OF BBPA OPERATING COSTS SURVEY 2024

APPENDIX 5 – APPENDIX 5 – COPY OF JAMES SLATER & CO CONDITION REPORT AND
SCHEDULE OF REPAIR REQUIREMENTS

APPENDIX 6 – COPY OF JAMES SLATER & CO BUDGETED REPAIR COSTS ESTIMATE



1 Introduction

1.1.1 In this section I detail:

- (i) my qualifications and experience, hence credibility for providing an opinion as an expert witness;
- (ii) the instructions I have received; and
- (iii) a summary of the matters which I believe are most appropriately taken into account in the consideration of the economic viability of the now closed for trade Oddfellows Arms public house.

1.2 Experience and Expertise

- 1.2.1** I am Anthony Barnes, a Senior Associate of the national practice of Chartered Surveyors, property consultants and agents Fleurets, a firm dealing predominantly in the provision of property advice, sales, lettings and valuations of hotels, restaurants, public houses and other forms of licensed and leisure property. Fleurets are active property agents and consultants in the public house sector nationally including in the county of Warwickshire. Our records show that in respect of properties within Warwickshire, between 1 January 2010 and 31st December 2024, Fleurets dealt with agency instructions and service enquiries on 155 licensed properties and carried out valuation/lease advisory consultancy instructions on in excess of 230 occasions.
- 1.2.2** At Fleurets I am responsible for undertaking professional work involving capital and rental valuations and other consultancy advice in respect of pubs, bars, restaurants, nightclubs and hotels. My work is conducted for private owner/operators; corporate pub companies; commercial investor landlords; local authorities; banks/other financial institutions and the Courts.
- 1.2.3** Based on my experience and length of time involved in the public house property market, I receive from time to time, instructions from parties who seek advice on the viability of maintaining the use of a property established as a public house. The advice and opinions sought are usually required to form evidence either in support of planned investment in extension of an existing public house or to accompany planning applications for development proposals which necessitate a change of use of an existing public house and will lead to the permanent extinguishment of the public house trade use.
- 1.2.4** I am a Member of the Royal Institution of Chartered Surveyors and I have in excess of 30 years' direct experience in my specialist licensed and leisure property field.
- 1.2.5** Accordingly, I believe that I am suitably qualified and experienced to provide an expert opinion on the economic viability of the Oddfellows public house and the associated matters included within the instructions received.



1.3 Instructions

- 1.3.1** In August 2020 I had received instructions from Ms Nicola Lea, Land Manager of Cartwright Homes Limited, the planning applicant seeking consent for a development of the closed Oddfellows public house and its site. My instructions in 2020 were to provide a report which set out my professional opinions on the matters detailed below, for the purposes of assisting with the planning application. My report dated 28th September 2020 concluded that the Oddfellows property was no longer economically viable in a public house trade use.
- 1.3.2** There have been three previous planning applications involving the property/associated land, with a fourth, under reference 24/00229/FUL, resulting in a refusal of planning permission. The refusal is now the subject of a planning appeal. Given the period of time which has now elapsed since my September 2020 report, I am instructed by the planning Appellant to provide an update of my report on the Oddfellows closed public house. My updated report will specifically address within the context of the current market and economic circumstances, the following key matters:
- (i) Whether or not it is economically viable for the Oddfellows closed for trade public house to be reopened, and trade recommenced in public house use, thereafter, being viably sustained over the medium to long term timeframe.
 - (ii) Detail the availability of alternative equivalent public house amenities available to the inhabitants of the village of Higham on the Hill and confirm if this represents a realistic provision of public house amenities within the context of the characteristics of the location; the pertinent public house market and public house sector trading environment and circumstances.
- 1.3.3** My opinions are to be prepared having regard to the known background circumstances and history of the Oddfellows public house. In preparing this report I am only able to utilise information, which is available to the Appellant, ie current owner; or is held within my firm's records or those of others to which there is a right of public access.
- 1.3.4** I confirm that following a check against my firm's jobs records, it is evident that prior to my report of September 2020, neither I nor any other employee of Fleurets had had previous involvement with the Oddfellows public house in Higham on the Hill.
- 1.3.5** The opinions that I express herein have been prepared in the capacity of an Expert Witness on the instructions of the company planning Appellant.
- 1.3.6** For the avoidance of doubt, I confirm that this report is not intended to be a valuation of the property, either rental or capital, and it is not therefore formatted in order to comply with the RICS practice statements applicable to property valuations. The opinions I express within this report relate solely to the matters on which I am instructed relating to economic viability of public house use. I do not purport to give planning advice and I am not a Planning Consultant.



1.4 Information Received

1.4.1 In support of the instructions received I have been provided with:

- (i) A copy of Land Registry official copy title records for freehold premises title number LT241271.
- (ii) A copy of a Condition Report and Schedule of Repairs by James Slater & Company Chartered Building Surveyors and Architectural Designers dating from December 2021, prepared on the joint instructions of A R Cartwright Limited and STOP Steering Group/Higham CBS.
- (iii) A copy of a Schedule of Works with budgeted cost estimate prepared by James Slater & Company Chartered Building Surveyors and Architectural Designers, originally prepared 7th December 2021, however now updated and effective at 10th March 2025.

1.5 Property Inspection

1.5.1 My original inspection of the property was carried out on the morning of Monday, 7th September 2020. I more recently visited the property on the afternoon of Monday, 4th November 2024. It is material to note that at the time of my inspections, the property was subject to comprehensive security boarding to its windows and doors, thus diminishing internal daylight.

1.6 Planning Policy

- 1.6.1 My report has been commissioned by the planning Appellant to form evidence to assist with the planning appeal against refusal of consent for a development which involves the permanent extinguishment of the property's public house use.
- 1.6.2 My report will consider the issues of economic viability for public house trade use and the availability of alternative equivalent facilities.
- 1.6.3 The issue of the development proposals' compliance with planning policy is separately addressed by the Appellant's planning consultants and development team.

1.7 Economic Viability

- 1.7.1 It is helpful for me to initially set out the factors which I believe are reasonably taken into account, when making a judgement over whether or not an existing public house can fairly be judged to be economically viable. In the subject case, the public house is currently closed and is understood to have not been open for trade since 2018.
- 1.7.2 I firstly consider the matters which impact on the judgements of a party considering making an investment in acquiring a freehold interest in a public house with the intention of a continuation of the public house use.
- 1.7.3 A public house is a facility where trading from the premises involves the retail sale of both alcoholic and soft drinks; snacks; potentially food; and in some circumstances the provision of bed & breakfast accommodation to paying guests. The fundamental motivation and purpose of owning and operating a public house is to generate an income and profit. For a public house to be economically viable, the



trading operation undertaken within the premises by an operator, whether in the capacity of an individual, a partnership, or a private limited company, must generate a satisfactory living for its owner/operator, after having accounted for all the costs and liabilities associated with the ownership and trading of the property. If the owner or acquirer is a larger corporate concern or a commercial property investor, then the company must be able to achieve a sufficient profit from the ownership/operation to justify in commercial terms, the level of investment which is necessary in its acquisition, together with undertaking where necessary, any required repair and refurbishment. The attainable profit is to act as the remuneration for engaging in the public house's operation and for the commercial risk and business endeavour in making the required investment in the project. For a pure commercial property investor, the justification will be the ability to successfully let the property so as to a secure occupation of the property by a reliable tenant on acceptable lease terms and at a rent representing a satisfactory reward on the necessary investment in the property's acquisition, required preparations for marketing and all associated fees and costs.

- 1.7.4** For a freehold public house which is owned and directly operated, the income/profit appropriately used to assess economic viability, is that which is achievable after deduction of all operating expenses and in addition, deduction of the costs associated with funding the investment in the property's acquisition; the costs of any required new trade furnishings/equipment; the cost of undertaking any required repairs and refurbishment; and the cost of provision of stock and working capital. Such capital requirement will in most instances be made up from a combination of an owner's own capital reserves and an element of borrowed funds.
- 1.7.5** For a freehold public house which is being acquired as an investment interest with operation to be undertaken by an occupying tenant, the freehold owner's income and profit used to assess economic viability is the net rent receivable after the deduction of costs associated with funding the purchase and achieving the letting to a suitably competent tenant. As in the case of an owner operator, such capital requirement will likely include a proportion which is self-supplied, plus an element of borrowed funds.
- 1.7.6** In order for a public house to be economically viable, the net income/profit must be of a sufficient quantum, to incentivise prospective purchasers to wish to engage in the entrepreneurial endeavour of the property's acquisition and the risks associated with the business venture. In either case, the appraisal of economic viability must take into account all costs necessarily incurred to make the premises physically suitable and fit for the commencement of trade.
- 1.7.7** Secondly, I set out the matters which impact on the trading potential of a particular public house.

The customers of a particular public house must have chosen to travel to the particular property, whether walking, driving or cycling, in order to enjoy drinking and potentially dining, within the social environment provided at the premises. The attraction of custom to a public house necessitates persuading individuals to choose one public house/bar over others, which are considered as offering a similar range and quality of facilities. Such customer choices involve personal judgements on issues such as the desired means of travel; the likely travel time; the ease of journey; the distance to be travelled; the nature of the customer environment provided; and the nature and retail cost of the drink and food offer available. The



proximity of a public house to a pool of prospective custom and the extent of alternative equivalent amenities will thus be key determining factors.

- 1.7.8** The potential custom available to any public house, will inevitably have alternative options, i.e., the relevant competition. Thus, a public house is usually obliged to operate within a competitive trading environment, with prospective customers making comparisons over the various factors which influence their choice.
- 1.7.9** The various characteristics of a public house and its potential custom may however change over time, such changes commonly caused by external factors, which can have either a positive or a detrimental impact on the public house's economic viability. It is a fact that over time, external influences can be significantly detrimental to a particular public house's trade potential, and in consequence, will adversely impact on its economic viability for continuation in public house use.
- 1.7.10** The key external influences of particular significance to achieving success in public house trading include local population demographics; social and cultural changes; economic changes in consumer confidence and propensity for discretionary spending on leisure; legislative changes; increases in operational and ownership costs; and increasing staff employment costs.
- 1.7.11** The economic viability of a public house is based on an assessment, which is made at a particular moment in time. The assessment must take into account the individual background circumstances of the property under consideration, including any known trading history and the trading status at the time of making the assessment. The availability or not of trading history data and records, will be property specific, and such records will not always be available. Where such records are not available for whatever reason, the reality is that such information would also not be available to parties in the market contemplating a purchase for continued public house trade use. It is a material fact in the subject case, that there are no available records of past trading which could influence the judgements required to be made. The reality is, an absence of trade history and records increases the perceived risks associated with a decision to invest in a particular public house. The absence of such trade records therefore has a direct and likely negative consequence on the issue of demonstrating that the continued trading of a public house is financially sound and economically viable.

2 The Property

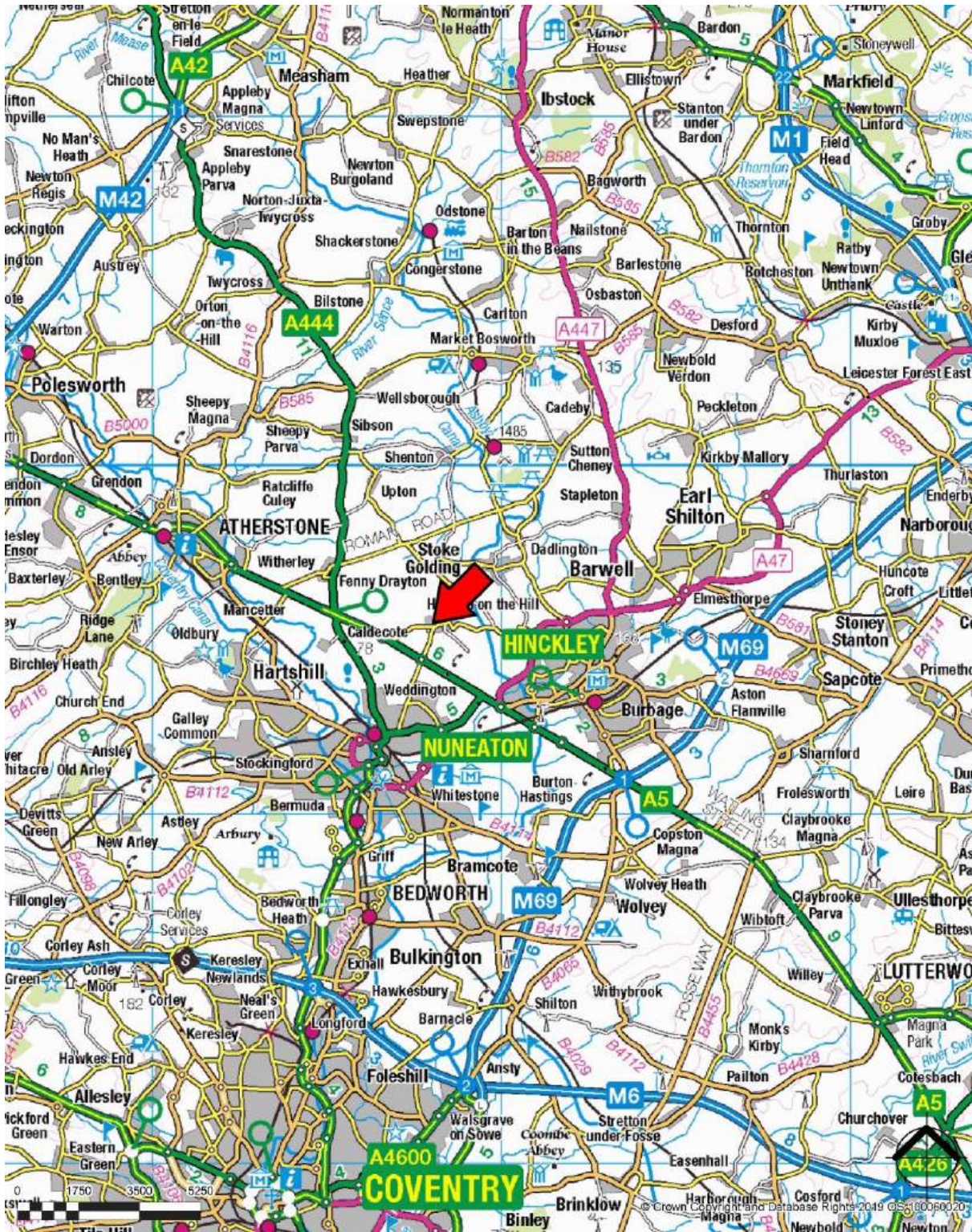
2.1 Location and Situation

- 2.1.1** The Oddfellows public house is located in the Warwickshire village of Higham on the Hill, lying circa 2 miles to the north of the northern edge of Nuneaton; circa 2 miles to the west of Hinckley; circa 1 mile south-west of the village of Stoke Golding and circa half a mile to the north of the main A5 trunk road. The village is approached via country lane turnings northward off the A5 and westward off the A47 which bypasses Hinckley to its north-western side. The local area lies within the Ambien electoral ward district which includes the villages of Higham on the Hill, Stoke Golding, Dadlington, Shenton and Sutton Cheney. The village of Higham on the Hill comprises a Parish. Based on the 2021 Census the ward

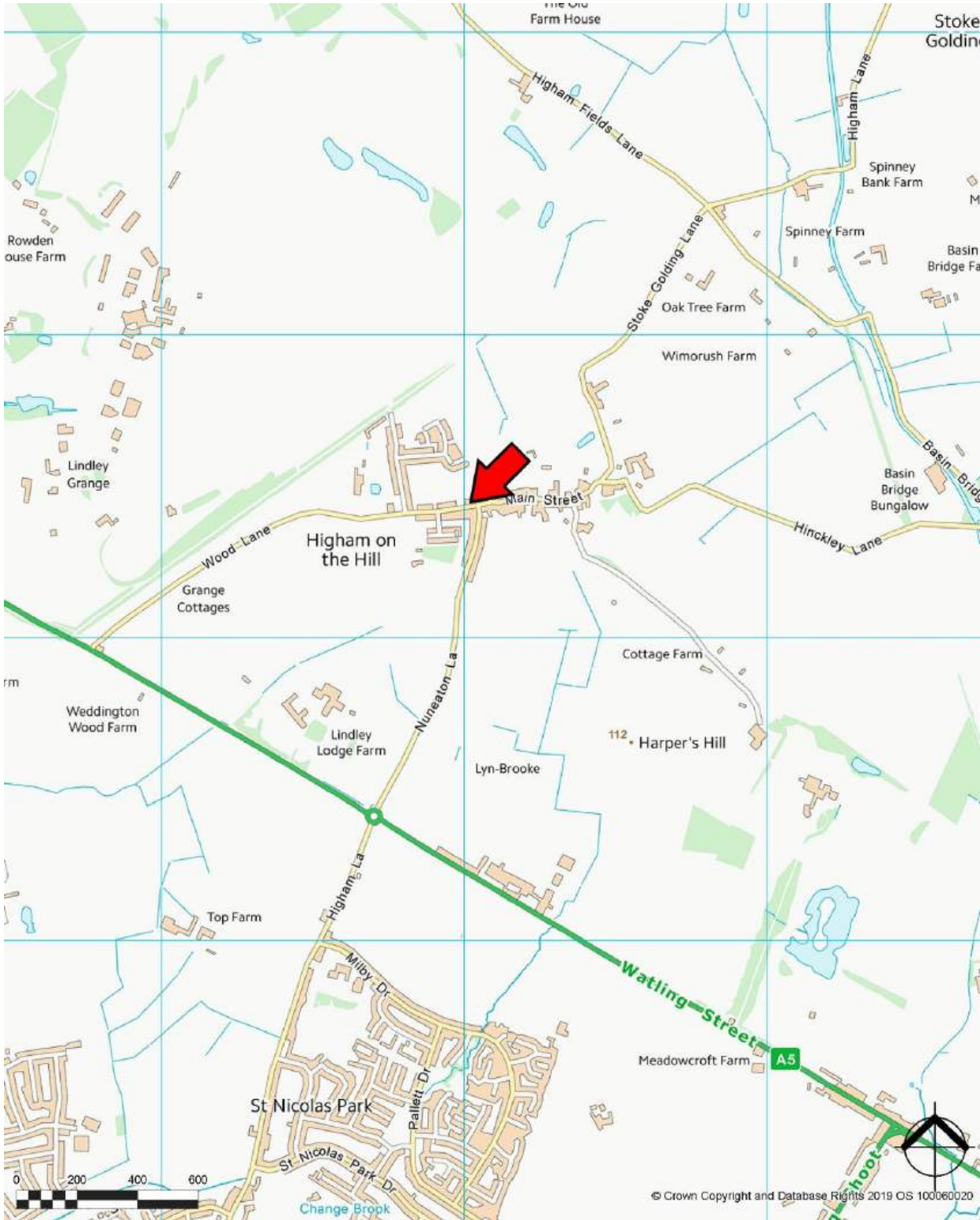


district, including the neighbouring villages, had a usual resident population of 3,764 and the Higham on the Hill Parish had a usual resident population of 941.

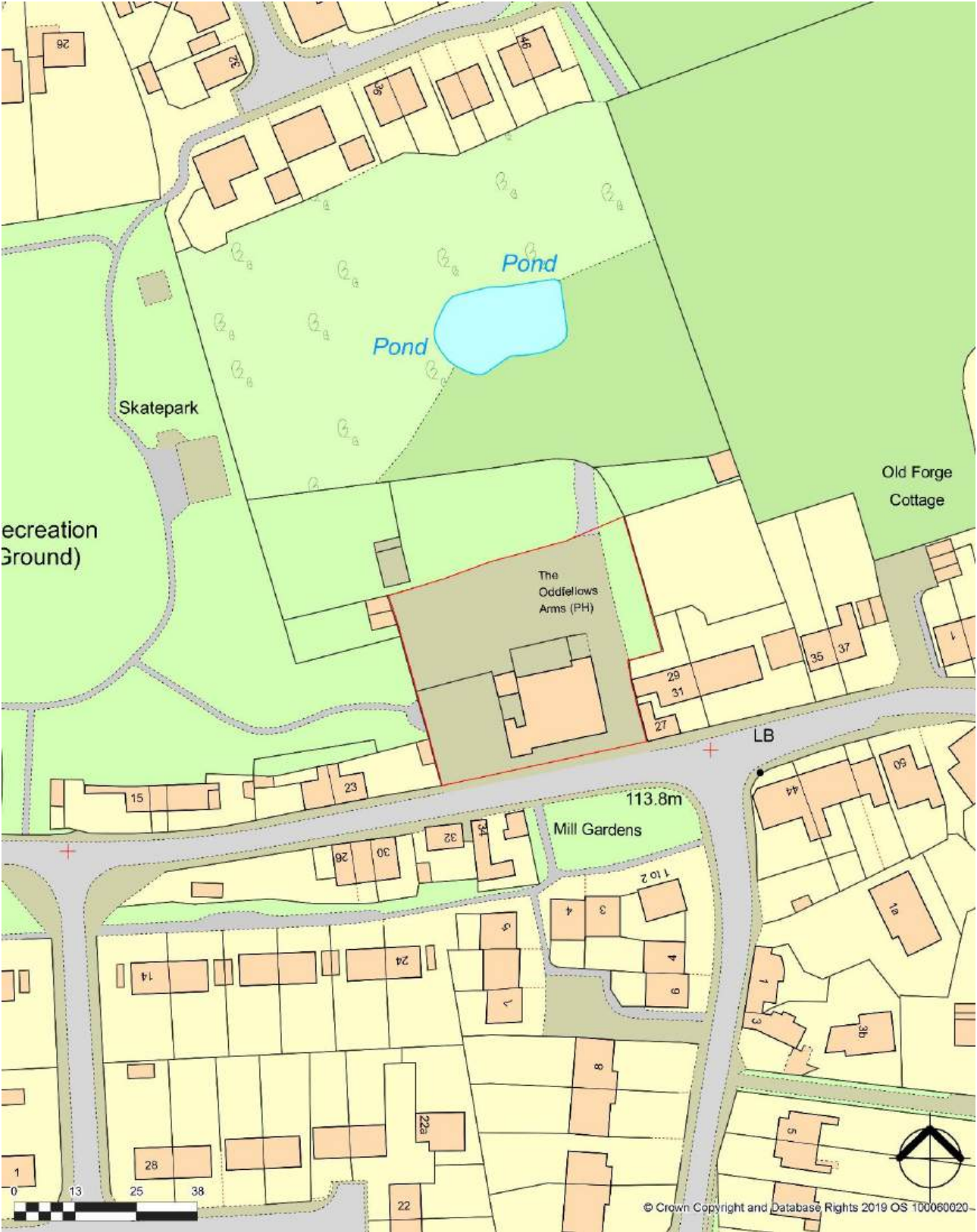
- 2.1.2 The village of Higham on the Hill is predominantly a residential settlement. The property is situated within the heart of the village amongst private residential dwellings and is adjacent to the village recreation ground. Land lying directly to the rear comprises a pasture field.
- 2.1.3 For the purposes of public house trading, the location and situation of the Oddfellows have resulted in its former trade predominantly being targeted to a locally resident custom.
- 2.1.4 I set out below location and site plans to provide context to the property's location and situation.



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2.2 Description

2.2.1 The Oddfellows comprises a detached public house of part 3, part 2 and part single storeys. Construction is of rendered loadbearing brick main walls, the original parts reputed to date back to 1791 and becoming a public house in 1874. The main roof is pitched with a covering of imitation slates. The original building has been extended in single and two storeys with side and rear extensions lying beneath flat felted/asphalted roofs. The building now has mostly painted external elevations and the windows comprise a mix of timber framed casement and some UPVC framed double glazed replacement variety. The building stands in a roughly rectangular shaped site with its grounds having been mainly laid-out to form tarmac surfaced car parking; vehicle circulation and service areas. Directly behind the building against its rear elevation there was a raised timber decked customer seating area. There is no lawned beer garden.

2.2.2 Utilising an on-line mapping resource, I have assessed the property's site area to be 2,030 sqm (0.502 acres) and the building's footprint interpreted as a gross external floor area to be 285 sqm (3,068 sqft).

2.2.3 Photographs of the property's exterior taken during my 2020 inspection are set out below.



Side & Front Elevation



Street View



Rear Elevation



Rear Decked External Seating Area



Rear Car Park



Enclosed Service Yard

2.3 Accommodation

2.3.1 The property has internal accommodation arranged over ground, first, second and basement levels. I do not have access to floor layout drawings.

2.3.2 Ground Floor

2.3.3 The front entrance door provides access into an open plan bar area with access through to a second bar. The service support areas comprise a former relatively small commercial kitchen, kitchen stores/utility and surface level beer store.

2.3.4 Customer toilets for ladies and gents.

2.3.5 Basement

2.3.6 With an internal staircase access, the basement was historically used as a beer cellar but appears to have long been redundant for this purpose.

2.3.7 First Floor

2.3.8 The first floor is believed to have been utilised solely as domestic living quarters arranged as living room, domestic kitchen, bathroom/WC and 2 bedrooms.

2.3.9 Second Floor

2.3.10 The second floor provides domestic quarters arranged as 2 bedrooms.

2.3.11 Photographs showing the property's interior taken during my 2020 inspection are set out below:



Bar Area



Bar Area



Bar & Bar Servery



Former Commercial Kitchen



Commercial Kitchen Storage Area



Surface Level Beer Cellar



Ladies Customer Toilets



Gents Customer Toilets

2.4 Services

2.4.1 The property is understood to have been connected to mains, drainage, water, electricity and gas. The electricity and gas supplies are understood to be currently terminated for safety reasons.

2.5 Condition

2.5.1 I have not undertaken a building condition or structural survey. However, I have been provided with a building condition survey prepared by James Slater & Co Chartered Building Surveyors. The building is noted to have been unoccupied for an extended period of time and is currently boarded-up for security reasons, thus limiting natural light within the interior. The interior of the building has been subject to the stripping out of certain of its former trade furnishings and equipment. From my inspection it is also evident that the building has been subject to past break-ins and there has been malicious damage and vandalism. The property's Energy Performance Certificate expired in January 2019 and had rated it as 113 within Band E. Such energy performance rating is poor by reference to both new building and existing building stock and renovation works would be obliged to materially improve the energy performance of the building.

2.5.2 Exterior and Exterior Grounds

2.5.3 The external main walls render is in poor condition with extensive cracking and deterioration due to rising damp. There is noted to be signs of structural movement in the proximity of front elevation first floor windows. The main external walls are believed to have been constructed without an adequate damp proof course and/or such damp proofing as there is, has been bridged and has failed. The windows having timber frames, particularly those at the second floor level show signs of rot and poor paintwork and likely require replacement. The property's exterior grounds are unkempt, in part overgrown, with the tarmac car park surfaces badly rutted, potholed and cracked presenting with an appearance of dereliction. The timber decking external customer seating terrace has not been subject to an appropriate level of timber treatment and would require investigation and renovation to ensure any future safe usage.



2.5.4 Interior

- 2.5.5 The interior of the building, as is detailed above, is presented in a generally unkempt, scruffy and in parts considerably damaged physical condition, thus necessitating comprehensive repair, refurbishment and redecoration in order to provide a public house premises which can be considered as suitable for occupation and the reintroduction of public house trading.
- 2.5.6 The repairing requirements prior to any redecoration works need to address sections of poor ground floor ceilings where cracking and general water/damp ingress will necessitate replacement. Areas of the ground floor are understood to be subject to rising damp. At first floor level the timber floor boards have been pulled up at various points and are generally uneven. Internal plasterwork wall finishes include sections with impact damage and flaking and at ground level have deteriorated due to damp ingress. At first floor level some plasterwork has been damaged by water penetration.
- 2.5.7 The above observations on the property's condition are not intended to represent a comprehensive record of all the matters requiring repair; renovation; replacement and redecoration in order to secure the property's satisfactory, safe and energy efficient qualities so as to enable the reintroduction and sustained occupation and use as a public house. Any party making a capital investment in the property's freehold acquisition for the purposes of public house use, would need to account for the capital costs of undertaking required repairs, refitting and renovation works in order to make the property ready and suitable for public house trading.
- 2.5.8 I am supplied with a bespoke prepared building renovation cost estimate prepared by James Slater & Co Chartered Building Surveyors. The original cost estimate was prepared in December 2021 but has been updated to be applicable as at March 2025. The cost estimate has divided the required works into two elements. Firstly, essential immediate repairing/decoration requirements necessary to achieve a legal and acceptable condition for occupation and trade use. Secondly works considered appropriate and desirable over a longer mid-term timeframe, best completed within years 1 to 5. The essential works costs, expressed net of VAT, have increased since assessed in December 2021 from £183,986 to £254,900, thus representing an increase of £70,914 or +38.5%. The longer term works have increased since assessed in December 2021 from £204,670 to £236,938, thus representing an increase of £32,268 or +15.8%. Thus, the cost of total repair/refurbishments to the Oddfellows property in order to deliver a suitable and long-term sustainable physical order and condition to the building and its site, is now independently and professionally assessed at just over £490,000. For the avoidance of doubt, this figure excludes the costs of loose trade furnishings and equipment.
- 2.5.9 My previously reported appraisal of economic viability had been prepared in September 2020, hence this was prior to the availability of the James Slater & Co schedule of condition and cost estimates. In my appraisal of September 2020, I had adopted a total post-acquisition repair and refurbishment cost estimate inclusive of the provision of necessary trade furnishings and equipment, in the aggregate sum of £375,000. Such repair, refurbishment and re-equipping investment cost sum is now in my opinion, reasonably considered to be insufficient and inadequate for an experienced commercially minded party to deliver an acceptable condition and presentation of the property with an expectation



of the reintroduction of public house trade use. In further evidence of the significant increases in building works repair costs between the date of my original report and now, I refer to published building cost data from the Royal Institution of Chartered Surveyors' (RICS) Building Cost Information Service (BCIS). In the data set the rehabilitation of an existing public house/licensed premises with East Midlands region adjustment. In Quarter 4 of 2020 the mean average cost was £1,782/sqm and by Quarter 1 of 2025, this building function cost has increased to £2,168/sqm, thus representing an increase of +21.7%.

2.5.10 Based upon the above explained logic, reasoning and supporting evidence, for my viability appraisal I adopt a total building renovation/repair cost requirement based upon the James Slater & Co essential works sum of £254,900, plus a sum for the supply and installation of all loose trade furnishings, say at £50,000. I therefore adopt an aggregate rounded cost of £305,000. In my adoption and application of this estimated capital sum, it should be recognised that such figure does include for the works included in the James Slater & Co schedule for completion during years 1 to 5, thus a prospective purchaser for intended public house use, might reasonably also be expected to build in an element of this additional capital cost into their appraisal and judgements.

2.6 Premises Licence

2.6.1 I have sourced a copy of the summary of the previously existing Premises Licence granted by the Licensing Authority, Hinckley & Bosworth Borough Council. It is noted that the licence was surrendered to the Licensing Authority on 8th January 2020. The previously authorised licensable activities were the sale of alcohol on and off the premises Mondays to Saturdays between 11.00 a.m. and 11.00 p.m and Sundays between 12.00 noon and 10.30 p.m. Other permitted licensable activities comprised performance of live music and playing of recorded music.

2.6.2 Any party wishing to recommence public house trading would be obliged to invest time and professional fees/application charges in making application for a new Premises Licence.

2.7 Rating

2.7.1 The rateable values (RV) of public houses are assessed based on judgements made over their trading potential. Whilst not able to be adopted as a definitive indication of a public house's actual trade performance, the RV of a public house can provide an indication of the level of sales turnover on which it has been based and hence can be of assistance if making comparisons between differing public houses.

2.7.2 Consultation of the website of the Valuation Office Agency shows the recent Rateable Value history of The Oddfellows:

2.7.3 Rating List 2023 –RV £5,500 effective from 1 April 2023.

2.7.4 Rating List 2017 –RV £12,000 effective from 1 April 2017 to 31st March 2023.

2.7.5 Rating List 2010 –RV £9,000 effective from 1 April 2010 to 31st March 2017.



- 2.7.6** The 2010 Rating List entry will have been based on the property's physical size and format applicable on 1st April 2010 however the economic and trading circumstances applicable on 1st April 2007, known as the antecedent valuation date. It is likely that the original assessment will have been influenced by reports of the actual trade achieved in the period 2005 to 2007.
- 2.7.7** The 2017 Rating List entry will have been based on the property's physical size and format applicable as at 1st April 2017, however the economic and trading circumstances applicable at the antecedent valuation date, being 1st April 2015. An analysis of the 2017 Rateable Value indicates that it has unlikely been assessed on average weekly sales from all sources much greater than £4,150, thus say total annual sales from all sources of circa £216,000.
- 2.7.8** The 2023 Rating List entry will have been based on the property's physical size and format applicable as at 1st April 2023, however the economic and trading circumstances applicable at the antecedent valuation date, being 1st April 2021, thus a time period when the Covid pandemic and its associated impacts were still adversely affecting public house trading.
- 2.7.9** I conclude from the facts of the property's Rateable Value history, that any party considering the future of the property for public house trade use, would reasonably interpret the RV history as indicating relatively low and poor levels of past trade performance were reflected in the Valuation Office Agency's setting of the RVs.

3 Marketplace for Public Houses

3.1 Impact on Public House Trading of Economic and Consumer Market Circumstances

- 3.1.1** In this section I consider the economic, operational and social influences pertinent to demand for, and trading potential of, public houses, these factors impacting on the economic viability of an individual public house.
- 3.1.2** The degree to which such impacts result in adverse consequences to the economic viability of a particular public house under consideration, will be determined by the specific circumstances of the public house, the nature and style of its established trade and its trading status at the time of preparing the evaluation.

3.2 UK Economy, Funding/Borrowing Costs

- 3.2.1** The UK's economic cycles result in the Bank of England's monitoring of and applied changes to the base lending rate. After the 2007 onset of the 'credit crunch', a prolonged period of economic uncertainty was triggered, involving a sustained downturn including 'double dip recessions' occurring in 2008/09 and 2011/12. The period between March 2009 and December 2021 saw a sustained period of very low base rates, with 0.5% applying until April 2016, then reduced to 0.25% and subsequently to an unprecedented 0.1% from March 2020. Such interest rate policy clearly resulted in cheaper borrowing costs for both businesses and residential mortgage holders. Such benefits however were at times negated by periods of below average business confidence. The period of low base rates was however brought to an end in December 2021 with a sudden increase to 5.25%, with a slight reduction to 5%



from July 2024, then to 4.75% in December 2024 and to 4.5% in February 2025. It is material to the public house market sector and confidence in the market, that since December 2021, the costs of borrowing have been considerably greater than had been previously been enjoyed over the circa 13 years period between 2008 and 2021. Such costs of borrowing also impact on the housing market and in particular, the capacity for consumer spending on discretionary leisure, including eating and drinking out in public houses.

3.2.2 In Fleurets` experience, throughout the periods of more challenging national economic circumstances, banks and other suppliers of finance reduced their willingness to advance finance to support acquisition of public houses, or were only willing to do so at considerably higher interest rate cost, applying reduced and more conservative adopted loan to value ratios in their lending decisions. It is now increasingly difficult and expensive for private parties to secure funding for public house acquisition and investment, particularly in the circumstances that it is not possible to evidence from accounts, satisfactory levels of past achieved turnover and profitability. The sector`s experience is now that even in improved economic circumstances, where there is an absence of evidence of past achieved sustained trading levels and profits, many banks/lenders are simply not willing to support and provide funding, unless the borrower is willing and able to offer additional alternative freehold property to stand as additional security.

3.2.3 I attach at Appendix 2, a copy of Fleurets currently adopted Economic Commentary and at Appendix 3, a copy of Fleurets currently adopted Public House Market Commentary.

3.3 The COVID-19 Pandemic

3.3.1 The COVID-19 Pandemic had a dramatic impact upon the hospitality sector. From the 20th March 2020 pubs were forced to closed, followed by the country being subject to a strict lockdown resulting in limitations on non-essential travel and movement of people. In July 2020, after over 3 months of closure, the leisure and hospitality sector was permitted to start reopening. Faced with such an unprecedented and catastrophic event, the UK government took equally unprecedented steps to provide support to the economy, businesses and employees. Steps included:.

- Business Rates were removed for the year to 31 March 2022. Subsequently a scheme has discounted rates payable by individual pub businesses to 25% of the amount due, subject to a limit of £100,000 per business.
- Government`s Job Retention Scheme (furlough) - The Government paid 80% of salaries up to £2,500 per employee, to seek to prevent business failures and widespread redundancies and unemployment. This scheme evolved over time and tapered out before ending at the end of September 2021.
- CIBIL loan – The government worked in conjunction with the banking sector to provide significant liquidity to the sector, with a government backed loan scheme.



- Suspension of Landlord's rights to pursue debts from tenants – The government effectively restricted the landlord's ability to forfeit a tenant's lease for non-payment of rent or pursue the debt for the March/June quarters. This limitation has now come to an end.
- Eat Out to Help Out where the government contributed 50% of the cost of a meal capped at £10 during August 2020.

- 3.3.2** Whilst pubs and restaurants were permitted to reopen on 4th July 2020, and many did, not all pubs chose or were able to. Some remained closed and others opened on reduced numbers of days. Some were unable to operate effectively under social distancing requirements. Many pubs and restaurants in city centres were amongst those which remained closed or opening on reduced numbers of days following significantly reduced numbers of office workers and tourists. Some pubs and restaurants in outer city towns and villages benefited from trade from at-home workers and staycation holiday makers.
- 3.3.3** The hospitality sector was hit by further restrictions in September limiting the number of households who were allowed to mix indoors and outdoors with a curfew of 10pm and the instigation of a tiered system. England then entered a further period of national lockdown when all non-essential businesses were closed with a view to regions going back into a three-tier system when the lockdown was lifted. A further national lockdown was put in place on 5 January 2021.
- 3.3.4** On 22nd February 2021 the Government announced the intended programme of a gradual release from the Covid-19 lockdown and associated rules and regulations. Self-contained accommodation was allowed to open from 12 April 2021 and hospitality venues allowed to serve food and drink outside to groups of no more than six guests. On 17th May 2021 hospitality was allowed to welcome guests inside with social distancing regulations still in force, table service only, the rule of "six" still being in place for mixed households but extended to larger groups comprising two households. Hotels were also allowed to open on this basis.
- 3.3.5** Due to the emergence of a variant of the virus, there was uncertainty as to whether or not restrictions would be lifted further on 21st June 2021 or if indeed more restrictions would be reintroduced due to fears of a third wave. Restrictions in fact were delayed by a further four weeks until 19th July when the Government confirmed that all restrictions would be lifted.
- 3.3.6** Despite an uncertain end to 2021 following the emergence of the Omicron variant and the introduction of some temporary restrictions and requirements, 2022 started positively. The Government held its nerve and continued to hold off imposing further restrictions, to the relief of operators and the public alike, and from late January the temporary restrictions were lifted, including the recommendation to work from home where possible.
- 3.3.7** Whilst this resulted in an improvement in the number of regular commuters, it is now recognised that for many businesses, the changes to working which were put in place during Covid, originally as temporary emergency measures, have had a longer lasting impact. Notwithstanding expectations by some town/city located office based employers for a return to offices, progress has been slow with 5-



days week office attendance by no means universal and with expectations amongst many in the labour force for a degree of flexibility and element of home-based working.

- 3.3.8** Hospitality has also faced an increasing shortage of staff. The shortage has been recognised to result partly from the repurposing of labour during the pandemic restrictions and the furlough of workers within the sector; and also from European Union origin workers choosing to return to their home countries during the pandemic and also as a consequence of 'Brexit'.

3.4 Post-COVID Trading and Challenges

- 3.4.1** Whilst the Covid pandemic gradually became a lesser concern from mid-2022 onwards, other outside influences have impacted the UK and worldwide economies and in turn the pub sector. The Russia-Ukraine war which began in late February 2022 triggered a significant rise in energy costs; lead to significant food wholesale purchase price inflation; and caused widespread economic uncertainty. Combined with supply chain disruptions across the world, as well as the raising of the domestic energy price cap, consumers faced significant increases in utility, fuel and food prices. Business and consumer energy costs, continue pressure on operating expenses and consumer household capacity to spend on discretionary leisure pursuits.
- 3.4.2** A particularly relevant current challenge to the profitability of public house operations, results from Government imposed increases to the cost of employment of labour. The imposed changes were outlined in the Autumn 2024 budget statement. The Government's Autumn 2024 budget has triggered increases to operators' labour costs effective from April 2025. Employers' National Insurance contributions are increasing by an additional 1.2% and the National Minimum Wage is to increase to £12.21/hour, representing an increase of 6.7%. In addition, for part time type employees, the annual wage level at which employers become liable for payment of employers' NI contributions, is reducing to £5,000. Thus, in circumstances where all other matters remain equal, the consequence of these statutorily imposed cost increases will be that overall labour costs will come to represent an increased proportion of achieved sales revenue. Many types of trading public houses will simply be unable to maintain existing profitability by passing on such increased costs to customers through the adopting of increased retail pricing. The overall impact to individual trading operations, is likely to vary dependent upon the makeup of the labour force; the number of employees receiving the minimum wage; and operator decisions over protecting wage rate differentials within their team. Possible defensive measures to profitability may include price increases; reduction in employees; and reduced food service and trading times.

3.5 Legislative and Market Changes

- 3.5.1** The public house sector now faces increased regulations and costs associated with compliance with legislative requirements introduced or upgraded over the last 20 years or so. The administrative burden of compliance can be particularly acute for smaller businesses. The legislation which publicans have to address now includes the following:



- Licensing Act 2003
- Food Act 1984 (as amended)
- Food Safety Act 1990 (as amended)
- Equality Act 2010
- Regulatory Reform (Fire Safety) Order 2005
- Gas & Electrical Regulations in relation to the trade inventory

- 3.5.2** The mass beer market has seen a trend of shift in sales to the off trade, which combined with the success of anti-drink drive legislation have been significant factors contributing to a general decline in the volume of traditional on-licensed wet sales. Statistics, produced by the British Beer and Pub Association (BBPA) in their UK Quarterly Beer Barometer show the extent of decline in annual beer sales in the on-trade between Quarter 4 2000 and Quarter 4 2019 from 23,358,000 to 12,632,000 barrels, thus representing a decline of c.46% (in terms of 36 gallon brewers' barrels). The highest levels of decline were reported in 2008/09 which is consistent with the consequences of the introduction of the ban on smoking in public places, as well as the onset of the recession.
- 3.5.3** Although figures for Quarter 4 2020 have been released, these were negatively impacted by Covid-19 and were reported to have declined to 5,688,000 due to government imposed restrictions in trading and closures.
- 3.5.4** During the same period annual beer sales in the off-trade showed an increase from 11,215,000 to 15,352,000 barrels, an increase of c.37%. This marks a significant switch between beer volumes consumed in trading premises such as public houses and those consumed at home, which are usually purchased from retail outlets such as off licenses, general stores and supermarkets. The shift has been so significant that in 2015 the volume of beer sold in the off-trade for the first time exceeded the volume of beer sold in the on-trade, a trend which has continued. In Quarter 4 of 2000 the beer volume sold in the on- trade represented c.68% of the total, however by Quarter 4 of 2019 the on-trade contributed only c.45% of the volume total. A copy of the source data is attached at Appendix 1.
- 3.5.5** For local wet led community type public house in certain urban geographic locations, the introduction of the ban on smoking in public places in July 2007 did have an initial significant impact on their trade. In September 2008 a report issued jointly by the Federation of Licensed Victuallers Associations (FVLA) and the British Institute of Innkeeping (BII) concluded:
- 3.5.6** "The smoking ban has had a serious and continuing effect on trade with the very important custom of smokers much diminished and with little positive news in terms of increased non-smoker or family business. The impact has been borne most by community, drink based pubs which have also had the fewest resources to withstand the downturn."



3.6 Trade Sector, Competition and Consequent Impacts

- 3.6.1** The scale of development in towns and cities and their peripheries of large public houses/pub-restaurants, by multiple corporate operators with the ability to offer discounted prices through their better wholesale purchasing power, has had direct consequences on smaller independently owned and operated traditional pubs which lie within a local proximity. Such outlets are commonly not capable of competing on price or range of drinks/food offer; or extent of opening hours. As a direct consequence, many smaller public houses facing such strong corporate competition and which were previously only marginally viable and sustaining their trade, have subsequently as a result of the competition, ceased trading.
- 3.6.2** A category of public house trading which has faced increasing challenges to viability, is the community local pub which is reliant upon locally resident. Such pubs tend to be more wet led in style, appealing to a mostly 'walk-to' type custom, drawn from the immediately surrounding resident community, often in urban areas within a circa ½ mile radius. Assuming such public houses are run in a good, competent and welcoming manner, the trade will essentially be attracted by the convenience of the location and the opportunity to socialise with the local community. Such local custom, tends to be concentrated towards weekday evenings and at weekends.
- 3.6.3** In contrast to local trade, a destination type of custom is most often reliant upon journeying to a public house by car, and is likely required to be attracted to an outlet from a wider geographic catchment area. Custom is drawn to such usually food led trading establishments, by virtue of the customer environment provided; the range and nature of the facilities offered; the food and drink offer provided; and the adopted pricing. Destination food led operations tend to be targeted to a particular market, for example families; value orientated; fine dining; ethnic dishes or traditional. Such destination pubs seek to differentiate their offer from the pertinent competition, often in terms of perceived quality and other individual characteristics.
- 3.6.4** The essential characteristics of most destination led pubs/pub-restaurants, are high visibility; ease of access; and good availability of parking. The family orientated businesses are usually run as high-volume branded outlets by multiple operators, typical examples of which are Chef & Brewer; Harvester; Farmhouse Inns; Hungry Horse; Vintage Inns; Miller & Carter; and Toby Carvery. Some of these brands offer outdoor and/or indoor children's play facilities. Such pub-restaurant businesses require prominent road-side locations, a site of ¾ to one acre, a building footprint in the region of 7,000 to 8,000 sq.ft and customer area of 2,500 to 3,500 sq.ft. There has been a significant expansion in the number of this type of operation in both urban and suburban areas over the last twenty five years. It is however a fact that in the last circa 6 years, the scale of acquisition and development by the corporate brand pub-restaurant operators has significantly reduced, as key locations became effectively saturated, and the costs of development and of operation post opening, significantly increased.



- 3.6.5** The locational and physical characteristics of the Oddfellows, Higham on the Hill, are such that over its trading history, it will have served predominantly a regular and locals type of custom. Any party contemplating a relaunch and continuation of public house trading, would in the market and public house sector circumstances detailed above, most likely be materially reliant upon attracting a locals type of custom, however additionally needing to attract an element of drive to destination type custom, in order to achieve a maximisation of sales turnover.
- 3.6.6** The consequences of the above described economic, social and public house market sector trends, are recognised as adversely impacting on public house trading; reducing alcoholic drink consumption; putting pressure on retail pricing and leading to an increasingly challenging market in which they are obliged to operate. Such impacts are understood to be central to the declining numbers of public houses, both in urban and in rural districts. The background of these economic and social trends has acted to increase the risks faced by those choosing to make investments in the sector, particularly where there are circumstances of a previous business failure and/or the premises in question, has not been open for trade for an extended period of time.
- 3.6.7** My conclusions on the challenges faced in operation of public houses, and in consequence their economic viability, are borne out by recently published findings by the Altus Group which has undertaken an analysis of Government held data. It was reported by them in December 2024, that the total number of public houses in England and Wales, had for the first time, declined to below 39,000 by the end of the year. The loss of pubs during the year 2024 was reported to be equivalent to an average of just over 34 per month. Public houses which are lost to their long established trade use, generally result from the simple financial fact that their owners, can no longer viably sustain the public house operation, either causing a planned closure or in more difficult circumstances an enforced closure due to businesses failure.
- 3.6.8** My conclusions from the above key influencing factors on pub trading and the pub property market are, that careful and prudent judgements are now a prerequisite for any party contemplating an investment in a public house property for intended continuation of public house trade use. Such judgements necessitate the careful evaluation of a pub's future trading prospects; together with the credible risks associated with the proposition under consideration; and the ability to meet the expectations of any potential financial backers and sources of funding which are necessary in order to facilitate such property acquisition and subsequent investment.

4 THE ECONOMIC VIABILITY OF THE ODDFELLOWS PUBLIC HOUSE

4.1 Viability Factors

- 4.1.1** When assessing the viability of a public house there are a number of factors which are appropriately considered and a number of potential sources of information which can assist with the required appraisals.
- 4.1.2** It is firstly appropriate to consider the locational and physical characteristics of the property together with its existing local competition. Based on these considerations, a judgement can then be made over



the most credible style of public house trading to be adopted at a particular site, in order to best exploit the trading potential.

- 4.1.3 It is desirable to be able to review financial information recording past trade performance in circumstances where this information is available, to help with the required judgement over future potential. However, such historic records will not always be available and in incidences where there is no trade performance history available, prospective operators will be obliged to rely wholly on their own judgements and experience.
- 4.1.4 The British Beer and Pub Association (BBPA) have produced documentation to assist pub tenants in assessing public house operational costs and an extract of such data is contained within Appendix 4. Whilst this data is specifically formatted for the use of brewery/pub company tied tenants, the average operational expenses statistics which are detailed in the survey, is reasonably considered as more widely applicable and representative within the public house sector.
- 4.1.5 CAMRA, the Campaign for Real Ale, is an independent, voluntary organisation of circa 148,238 members (July 2024) that was set up with the sole purpose to campaign for real ale, community pubs and consumer rights. In addition, they have published a Paper, the “Public House Viability Test” which identifies a number of factors they recommend are appropriately considered when appraising a pub’s trade potential in a variety of scenarios. It is noted that the CAMRA Paper is referenced in the Advice Note.
- 4.1.6 There are a number of areas which are deemed to be important in contributing to a viable and vibrant pub business if run efficiently by owners or management committed to maximising trading success. However, this viability test is not the full picture and having a Reasonably Efficient Operator (REO) running the business is not always the sole determining factor to the success or otherwise of a public house business. The building may have fallen into disrepair or simply no longer be fit for purpose in failing to benefit from the required attributes which are necessary to support a successful business. A property’s failings can include inadequate parking, lack of outside space, absence of letting bedrooms, absence of a catering kitchen, having a local resident population not large enough to generate sufficient custom, having close neighbouring residential dwellings resulting in the potential for noise complaints, having an inefficient or restricted layout of internal accommodation, or including small or unappealing domestic living quarters.
- 4.1.7 There is also a huge amount of choice when it comes to available pubs, both on a leasehold and a freehold ownership basis, coupled with a dearth of quality trained licensees actively seeking to take on businesses that have previously struggled and may have previously failed. The squeeze on liquidity from high street lenders to fund refurbishments and extensions has continued, with a particular reticence to the funding where there is unproven trade potential and/or involving applicant borrowers with unproven track record in the public house industry. Funds invested in closed and previously failed public houses represent a heightened risk to lenders, and in the current market and the public house sector trading challenges, a majority of lenders are simply not prepared to engage in such risk profile of lending.



4.1.8 CAMRA's Viability Test covers a number of areas which I address for the Oddfellows as follows:

- a) Local trade/population density – the property is located in a small village with a relatively low resident population with ready access to the Oddfellows, ie within a reasonable walking distance. Whilst the village's inhabitants and their visitors, may generate a level of custom for a conventional locals style of community public house and trade, it is simply too small to generate sufficient custom to deliver a viable level of sales turnover. Other custom would need to travel to the public house, other than on foot, such requirement opening up a wide variety of alternative options to potential custom willing to travel and which is equally accessible.
- b) Customer potential – the location is such that reliance upon only locally resident custom will no longer credibly deliver a sufficient quantum of custom. Given the non-operational status of the property for what is now circa 8 years, all potential custom and regular users of public house amenities will have found and become established custom for other public houses around the local district. I believe that experienced operators would be sceptical of there being sufficient regular custom for a relaunch for pub trading of the Oddfellows.
- c) Competition – the Oddfellows is in my opinion, subject to a considerable level of competition from a variety of existing public houses which are situated in the villages around Higham on the Hill. Further details are set out in Section 4.2 below.
- d) Flexibility of the site – the Oddfellows building stands on a relatively compact site required for provision of external trading and for customer car parking. Based upon the size of the local population and characteristics of the property and its site, there are in my opinion no credible prospects for successfully attracting a viable and credible additional use.
- e) Parking – the property provides a car park of a size which would not satisfactorily accommodate a significant reliance upon attracting a car borne destination custom for a food focussed style of trade.
- f) Public transport – The village is served by public bus services linking with Burbage, Nuneaton and Hinckley, however these do not extend later than 7.00 pm in the evening. In my opinion such public bus services are of no credible assistance to the trading prospects of the Oddfellows.
- g) Multiple use – the property is of a size and layout which do not credibly deliver any real potential for siting within the property of additional supporting commercial uses.
- h) Partial loss – the siting of the existing building, its size and the size of the overall site, prevent any credible development whilst retaining a public house use.
- i) Competition case studies – please refer to Section 4.2.
- j) The business past and present – please refer to Section 4.3



4.2 Alternative Public Houses Amenities Available within Proximity of Higham on the Hill

- 4.2.1 There are noted to be a significant number of other established and trading alternative public houses which are available to the resident community of Higham on the Hill, albeit that they require travel to surrounding locations, now a common necessity for residents of smaller villages and hamlets. Each of these other pubs and pub-restaurants represents pertinent and material competition to any party who would contemplate the re-establishment of the public house trade use of the Oddfellows.
- 4.2.2 From my review of the local district, I have identified the public houses/licensed social clubs comprising the closest and most pertinent direct competition, as is summarised in the table set out below:



Name	Address	Distance in Miles from Oddfellows	Type of Operation
Coniston Tavern 	Pallet Drive, St Nicholas Park Estate, Nuneaton CV11 6JT	1.3	Marstons owned village local with function room. RV £11,650
Three Horseshoes 	High Street, Stoke Golding CV13 6HE	1.6	Corporate owned village local with Indian food offer. RV £9,000
George & Dragon 	Station Road, Stoke Golding, Nuneaton CV13 6EZ	1.6	Churchend Brewery owned village local with food offer. RV £7,500
Longshoot 	Watling Street, Weddington, Nuneaton CV11 6JH	1.6	A Greene King owned and operated managed pub-restaurant. RV £116,500
Weddington Social & Athletic Club 	252A Weddington Road, Weddington, Nuneaton CV10 0ER	1.7	Social club open to members & non members with large garden area & function room. RV £16,500



Stoke Golding Club 	42 Hinckley Road, Stoke Golding CV13 6DZ	1.7	Social club open to members & non members with function room. RV £13,000
Royal Redgate 	Watling St, Caldecote, Nuneaton CV10 0RY	1.7	A Marstons owned destination pub-restaurant. RV £31,000
Chase Hotel 	Higham Lane, Nuneaton CV11 6AG	1.8	Greene King owned 28 bedroom hotel with traditional pub & Flaming Grill restaurant. RV £124,500 (Includes hotel)
Yeoman 	St Nicholas Drive, Nuneaton CV11 6EN	1.8	Harvester family restaurant open daily RV £90,000
Anker Inn 	Weddington Road, Nuneaton CV10 0AN	1.8	Stonegate owned traditional pub with darts throw area and offering live entertainment. RV £13,750
Acorn 	Camborne Drive, Nuneaton CV11 6GU	1.9	Marstons owned traditional pub serving food. Hosts quiz nights and family fun days. RV £34,000



White Swan 	High St, Stoke Golding, Nuneaton CV13 6HE	2.0	Everards owned small village public house, currently understood to be closed for trade. RV £2,000.
Wharf Inn 	18 Coventry Road, Hinckley LE10 0NQ	2.4	Marstons owned traditional pub with outdoor seating and bar games. RV £9,500
Silk Mill 	Bond House, 42 Newdegate Street, Nuneaton CV11 4EU	2.4	Part of the Stonegate Group this wet led pub has a darts throw & pool area and offers live entertainment. RV £57,000
Tin Hat 	45 Trent Road, Hinckley LE10 0YA	2.4	Marstons owned bar & grill open daily. RV £17,500
Black Swan in Hand 	Bond Gate, Nuneaton CV11 4AE	2.4	Amber Taverns large friendly pub with patio garden showing many major sporting events. RV £38,250
Flintlock 	68 Roston Drive, Hinckley LE10 0XP	2.4	Marstons owned pub serving traditional food, open daily. RV £53,500



 Milestone	Stoke Road, Hinckley LE10 0GL	2.5	A Marstons owned and operated, destination pub-restaurant. RV £80,000
 Dog & Hedgehog	2 The Green, Dadlington, Nuneaton CV13 6JB	3.0	Gastropub providing lunchtime and evening meals attracting a destination car borne type custom. RV £67,000
 The Marina	Wharf Farm, Coventry Road, Hinckley LE10 0NB	3.0	A Whitbread owned and operated pub - restaurant adjacent to a Premier Inn Hotel under the Brewers Fayre brand. RV £277,000 (Includes hotel)

4.2.3 From the above review of the alternative public house provision located in the surrounding district to Higham on the Hill, it is apparent that the locally resident community is served by a range of existing and well established alternatives to the now long-since closed Oddfellows. A prospective future operator of the Oddfellows would be conscious of, and alert to, the extent of the established competition. I am of the opinion that any future prospective operator of the Oddfellows would be concerned over the need to effectively take custom away from these other established and currently trading outlets. Taking a share of the existing local custom away from the other public houses would be a necessity in order to be able to establish and sustain a sufficient level of custom for the Oddfellows.

4.2.4 In my opinion within the context of local consumer demand for public house amenities, the local community and village of Higham on the Hill, is on reference to the size of its adult resident population, currently satisfactorily provided for by other public houses/pub-restaurants. Accordingly, the permanent loss of the Oddfellows as a public house amenity, which has not traded since around 2018, is not reasonably considered as fundamentally detrimental to the access to such amenities available to residents of the village.

4.3 The Property's Background Circumstances

4.3.1 The following background circumstances of the Oddfellows public house and its closure for trade are based upon information provided to me by the Appellant and references to the property appearing on websites and in social media posts.



- 4.3.2 The Oddfellows public house is believed to have been in use as a public house since the nineteenth century. My enquiries suggest it was at one time a part of the tied tenanted pub estate of corporate pub company Bass but was sold by that company in around 1991 to regional brewer and pub company Charles Wells. In 2009 the property had become surplus to Charles Wells' tied estate pub business and was offered for sale with vacant possession by auction. Whilst failing to sell at auction in July 2009 it was subsequently sold to a private owner. I have been informed that whilst privately owned during the period 2011 to 2018, the Oddfellows was occupied and operated by a single tenant. In 2018 the tenant was obliged for personal reasons to give up the tenancy and at that time the property ceased trading and has remained vacant and closed for trade since then.
- 4.3.3 The Oddfellows is believed to have always been operated as a regulars'/locals' community style of public house, operated by tenants of the owners of the freehold interest. The pub had historically attracted the majority of its custom from the local resident community.
- 4.3.4 I conclude from the background circumstances, that the Oddfellows whilst trading, unlikely generated sufficient profit for its operator to invest in and upgrade the presentation of the customer environment, amenities or service support facilities.
- 4.3.5 The factors which I believe have contributed to limit its trade potential, hence now adversely influence the economic viability of the property being brought back into occupation and sustained in public house use, comprise both social/behavioural and economic/financial challenges. The following factors are I believe specifically pertinent to the trading circumstances of Oddfellows:
- A significant degree of under investment over a period of many years in the repair and fit out of the property, resulting in the material level of capital requirement in order to make the property fit and suitable for occupation and use.
 - The location has a relatively low level of locally resident population to form potential custom.
 - The challenges presented by increasing costs of operational overheads, in particular for utilities and the employment of staff, as well as restricted staff availability.
 - A material level of competition spread around the surrounding district.
- 4.3.6 Based upon the above outlined considerations, it is my opinion that all competent and prudent prospective operators would perceive a significant and unacceptable level of risk and uncertainty attaching to a business proposition involving the Oddfellows 's acquisition, refurbishment and relaunch of public house trading.
- 4.3.7 Other factors also contributing to the Oddfellows failing to have a credible future in pub trade use, and which are significantly detrimental to its economic viability as a trading public house, include external social; consumer behavioural and economic/financial matters. In my opinion the following are particularly pertinent to the trading circumstances of the Oddfellows:



- a) The adult population who regularly visit public houses to enjoy drinks and meals is under increasing financial strain due to increases in costs of home ownership and home renting, as well as routine costs of living.
- b) The younger generations contributing to the adult population now have readily available alternative means of social communication and socialising, thus reducing their need to attend public houses to meet and communicate with their friendship groups.
- c) The extent of investment which would be necessary to create a minimum acceptable standard of presentation of the building, its accommodation for trading and licensee's living quarters, is simply too great relative to the future trading prospects.

4.3.8 A new operator of the Oddfellows would be obliged to attract and build an entirely new custom and thus would need to pull custom away from the already established public house and restaurant competition.

4.3.9 Based upon the existing competition for public houses and dining opportunities in the local district and the complete absence of any evidential record of successful trading in recent years, any party contemplating the re-establishment of trade of the Oddfellows, would be required to contend with this poor history and lack of a background of trading success, leading to increased risks and uncertainties for all parties, including any party considering their financial backing.

4.4 Current Trade Potential and Required Capital Applied to Viability Assessment

4.4.1 When assessing the viability of a public house there will be differing qualities and extent of information available to assist with the necessary judgements, each case being dependent on the particular background circumstances and history applicable to the specific public house under consideration.

4.4.2 To assist in the assessment of the viability of the Oddfellows being re-established and thereafter sustained in public house use, it is necessary to form an opinion of the property's Fair Maintainable Turnover (FMT), this being the level of sales from all sources that a Reasonably Efficient Operator (REO) would expect to achieve, when running the business in a proper and efficient manner, on the assumption that the property is properly maintained, decorated and equipped.

4.4.3 From the FMT the Fair Maintainable Operating Profit (FMOP) that a REO would expect to achieve is assessed, having considered the property's age, location, configuration and size/quality of the accommodation it provides, as well as the style of the trade intended to be undertaken. The operating profit achievable is stated before any deduction is made for the costs associated with finance, depreciation, owner's personal remuneration/drawings and any one-off exceptional costs.

4.4.4 The external economic impacts discussed in Section 3.1 above, combined with the effects of other changing social trends, including greater respect for drink driving law and increased consciousness over health, have each adversely impacted on the level of alcohol consumption and hence on the turnover



and profit potential of local public houses particularly those for which the expectation for drink sales to form the primary aspect of trading, such as the Oddfellows.

- 4.4.5** For the purposes of this exercise, I am obliged to form judgements over the trade potential based on experience in the public house market sector and without the ability of reference to any evidence of the actual past achieved sales turnover. It is pertinent that no such information would be available to the market to assist a prospective purchaser in their judgements and considerations of forward looking trade potential.
- 4.4.6** In making an assessment of trade potential, it is necessary to make an assumption that the property receives the necessary investment required in order to enable it to be presented in a good condition of repair and decoration. No credible, competent or prudent pub operator would seek a relaunch of trade without making a significant prior investment in order to put the property into a good condition of repair and decoration.
- 4.4.7** Based upon the consideration of the Oddfellows being a locals community style of public house, the following factors are material to the judgement of trading potential: (i) a likely significant reliance upon drinks sales; (ii) sales of food reasonably expected to achieve a smaller supporting aspect of trade; (iii) the identified competition within the surrounding district; (iv) trade potential being entirely reliant upon the completion of the refurbishment of the property and its site and re-equipping of trade furnishings and equipment; and (v) the known external influences which currently adversely impact on the profitable trading of public houses. Bearing in mind these considerations, I have formed an opinion of Fair Maintainable Turnover on achieving maturity of trading, which I base on a judgement of achievable average weekly exclusive of VAT, falling within the range of £4,750 to £5,000. For the purposes of my viability assessment I thus adopt a FMT of £265,000 per annum. I consider that the make up of such total annual sales is reasonably assessed as 90% from drink; 8% from food/snacks and 2% from amusement/gaming machine net income.
- 4.4.8** In terms of the achievable gross margin, and having regard to the locals/regulars style of trading which is most credibly targeted having an expected above average sensitivity to the adopted retail pricing, I adopt an overall wet and snacks/food sales margin at 60%, which if taking a machines income contribution at 100%, result in a judgement of the overall fair maintainable gross margin, at 61% of total revenue all sources.
- 4.4.9** In arriving at judgements over the expected operational expense levels, I have assumed that the property would only credibly appeal to a private entrepreneur style of owner/operator who would likely run the business themselves. Independent evidence of industry expectations for public house operating expenses can be sourced from the organisations UK Hospitality and the British Beer & Pub Association (BBPA). Each organisation seeks inputs from its pub operating membership as a source of data to contribute to surveys and reports which detail average performance levels and costs within the pub retailing sector. The contributors to the UK Hospitality survey are predominantly multiple estate corporate pub retail companies operating larger sized managed pubs.



- 4.4.10** The BBPA document provides advice to tied tenants, however the drinks tie impacts only on the gross profit line, and therefore the data on operating costs is considered to be a reliable and appropriate guide for the purposes of this viability exercise. The BBPA publication seeks to distinguish between different levels and styles of pub trade. It should however be noted that the BBPA survey excludes costs associated with the employment of unit level managers, whereas the UK Hospitality data is derived from managed public houses.
- 4.4.11** The BBPA 2024 survey data is based upon contributor returns from 2023 and is split between a variety of pub trading styles, from wet led community to food-led rural and town centre pubs. I am of the opinion that the Oddfellows would now best fit with the profile of a wet-led or small community pub, a copy of survey extract is attached at Appendix 4. Such category of public house comes with an expectation for an involved owner/operator seeking to mitigate expenses. For this category of pub with average sales at circa £5,000/week, the BBPA reported average labour cost was 19.7% of sales and total other operating expenses at 21.4% of sales. In the interpretation of the available industry operational expenses survey data for application to the Oddfellows in 2025, it is important however to now have regard to the fact that general price inflation will have continued to raise operating costs, and the Autumn 2024 Budget will result in increased costs of employment of labour.
- 4.4.12** In recognition of these factors, I apply a labour expense based on 23% of sales turnover and other annual operating expenses based on 22% of sales turnover, thus total operational expenses representing 45% of turnover.
- 4.4.13** Based on these judgements, the reasonably projected net profit prior to accounting for the costs of funding; depreciation; and owner/operator's remuneration, for a pub of this trading style and scale of trade with modest snacks/food offer, equates to £41,120, thus equivalent to 16% of the adopted sales turnover. In my experience such profit percentage of total sales is now a reasonable profit expectation where the regular offer of some snack food is considered a necessary attraction and contributor to the trade.
- 4.4.14** I reiterate, the above assessment of FMOP is stated before accounting for an owner's personal remuneration or any costs of finance the owner/operator is obliged to incur.
- 4.4.15** The assessment of a pub's economic viability must account for the costs of finance related to the funding of the property's purchase; the fees and costs associated with the acquisition; and for undertaking necessary repairs and upgrading of the premises to make it suitable for the commencement of trade. For the repair/redecoration costs, I adopt £255,000, plus a sum of £50,000 for equipping the property with new trade furnishings and equipment. In reality, given the rehabilitation costs data detailed at Section 2.7 above, a prospective purchaser would reasonably conclude an even greater sum in order to bring the property into a suitable condition reasonably considered as suitable to achieve a recommencement of trade and be capable of satisfying a lender/financial backer of the credibility of trade forecasts provided in support of any required loan.



- 4.4.16** To give efficacy to the appraisal, it is also necessary to assume a property acquisition purchase price. Such adopted property purchase cost is a notional figure for the purposes of the appraisal and is not a stated opinion of market value. Having regard to the location; the characteristics of the property; the site area and property condition, for these purposes I have adopted £275,000.
- 4.4.17** A purchase at this level would trigger a liability for Stamp Duty Land Tax at £3,250, and in addition a purchaser would also need to account for professional fees associated with the property acquisition and transfer of the Premises Licence. I have allowed for acquisition costs of £5,000 and fees for the licence transfer of £1,000.
- 4.4.18** Accordingly, I am of the view that a purchaser of the freehold for the purposes of a continuation of public house trading, accounting for only a small contingency, would now need to have access to capital in the order of £590,000, to acquire the property and put it into a condition whereby it can be legally traded at the adopted FMT and FMOP levels.
- 4.4.19** Any purchaser acquiring the property, with the intention of re-opening as a public house, would also be alert to the likely timescale necessary to undertake the renovation works and return the property to its optimum achievable trading levels. This is pertinent given the current condition of the property. I would consider it a realistic expectation that it would take at least a further 4 to 6 months to undertake the necessary repairs and refurbishment, plus up to a further 6 months in order to bring the property to a “profit” making position. In these circumstances a purchaser would realistically expect to forgo up to a full 12 months’ worth of profit, which would also be factored in to and influence the cost benefit appraisal and decision over whether or not to progress with such a project and investment.
- 4.4.20** In respect of the assumed freehold tenure acquisition, in my experience it is highly unlikely in the current market that a lender would on consideration of the background circumstances of the property, be prepared to fund and support a property acquisition, thus necessitating a purchaser initially funding both the acquisition and renovation works. Notwithstanding this likely difficulty to progress a purchase, purely for the purposes of completing the viability appraisal, I will assume a funding cost which is based on 50% of the assumed total capital requirement. Such assumption would unlikely be credible, unless the purchaser/borrower, were a party with direct experience of pub operation; accounts of historic trading were available to support the projected trade; and/or the borrower is able to provide alternative security for the proposed loan. Based upon the assumptions made for the appraisal, a purchaser would be obliged to source the remaining 50% balance of required capital from their own unborrowed capital reserves.
- 4.4.1** On this basis a purchaser would incur the opportunity cost of being unable to invest the money elsewhere. Costs of capital are therefore appropriately calculated as a minimum based on the total capital required, both borrowed and self-supplied.
- 4.4.2** In the current marketplace for commercial finance, traditional ‘high street bank’ lenders are now choosing to be selective in their pursuit of new lending in the sector, particularly for propositions with unproven trade potential and presenting above average risk. A prospective purchaser would therefore



likely have to initially deal with secondary lenders offering bridging loan finance at a higher cost of borrowing. Whilst in the current market for maturely established trading higher quality public houses, a typical loan term would be up to 20 years and with the interest rate influenced by the perceived risks. However, in the circumstances of the subject property, the reality is that only shorter term funding would be capable of being secured and at a borrowing interest rate which is higher than that available for more secure and proven lending propositions. For the purposes of appraisal, having regard to the background circumstances and facts, I have adopted a borrowing cost at 8.0%. In practice in the given circumstances and the perceived risks and uncertainty, funding to support a property purchase and investment might very reasonably only be obtainable as bridging finance and at an even higher interest rate.

4.4.1 For the viability appraisal assuming a borrowed funds requirement of circa £294,000 taken over 20 years at 8.0% interest, this would equate to monthly loan repayment and interest charges of circa £2,459, thus equivalent to £29,508 per annum. For the un-borrowed self-supplied remaining capital requirement of £294,000, taking a notional opportunity cost at just 3% per annum equates to an additional £8,820. The total costs associated with funding the required capital investment is thus circa £38,328 per annum.

4.4.2 An owner/operator and investor in a public house such as the Oddfellows, must reasonably expect to be able to achieve a sufficient return on their effort, labour and the business risk of investing in the acquisition of the property, repairing/refurbishing; re-establishing and then operating the business. To an extent, such expectations of an operator are subjective, however regard must be had to the time input of personal labour and the level of return which can be achieved on their personal capital input.

4.5 Viability Appraisal

4.5.1 For a freehold public house owned and directly operated, the income/profit, which is appropriately used to assess economic viability, is that which is achievable after deduction of all operating expenses and costs associated with funding the required investment in the property's acquisition; any required new/replacement trade furnishings and equipment; any required repairs/refurbishment and the provision of stock and working capital. Such capital requirement will in most instances be made up from a combination of an owner's own capital reserves and from borrowed funds.

4.5.2 In order for a public house to be economically viable, the net income/profit must be sufficient in order to incentivise the owner/purchaser to undertake the entrepreneurial endeavour and risk associated with the venture.

4.5.3 The economic viability of a public house is based on an assessment which is made at a particular moment in time. The assessment must consider the individual background circumstances of the particular property, including any known recent trading history and the trading status at the time of making the assessment. The assessment must reflect the costs which are reasonably necessary to incur in order to acquire the property and undertake any works and investment required to make the public house legally and commercially ready for the commencement of trade.



4.5.4 In the circumstances of a public house being closed for trade, as is applicable to the subject Oddfellows, there are reasonably expected to be additional costs and risks to a party contemplating a planned recommencement of trading. The fact of a public house's previous closure for trade, has a detrimental impact on the goodwill which is associated with that public house and usually its reputation in the local market. On any recommencement of trade of a previously closed public house, it will take time to re-establish a sufficient level of sales, and in consequence on reopening, the operation is unlikely to be capable of generating a profit for some considerable time after the re-opening.

4.5.5 I set out below my assessments of the viability of the freehold purchase and subsequent re-commencement of a public house use of the Oddfellows:

Wet Sales (90% contribution)	£238,500
Snack Food Sales (8% contribution)	£21,200
Amusement/Gaming Machine Net Income	£5,300
Total Sales (£5,096/week average)	£265,000
Gross Profit (60% wet.dry)	
Overall Gross Profit (61%)	£161,650
Deduct	
Operational Costs and Overheads @ 45%	<u>-£119,250</u>
Net Operating Profit Before Finance/Remuneration	£ 42,400 (16%)
Deduct Costs of Finance on Capital	<u>-£ 38,328</u>
<u>Annual Net Profit Prior to Operator Remuneration</u>	<u>£4,072</u>

4.5.6 Based upon the above detailed reasoned appraisal, I arrive at the opinion that the sustaining of a public house business trade use at the Oddfellows following a purchase of the freehold interest, would not offer a party, whether private individual/partnership or entrepreneur investor, a financially viable or prudent proposition. The appraisal demonstrates that on the adopted costs and assessed trade potential, the venture would show only a nominal level of profit, and this is prior to accounting for a minimum level of remuneration to the owner-operator for their own time and labour. Thus, the proposition of the acquisition of the Oddfellows, followed by making the required investment to complete the required renovation of the property and the subsequent provision of a trade inventory of furnishings and equipment, makes no economic or financial sense.

4.5.7 The above appraisal demonstrates that based on the estimated net profit potential, if trading successfully on maturity of trade, after accounting for the costs of finance, the venture would not only fail to reward the owner-operator equivalent to the National Living Wage, it would also fail to provide an acceptable return on their required personal capital investment.



- 4.5.8 As previously noted, when a business has been closed for a long period of time, it is reasonable to assume that on first reopening, it will take a period of time for it to be capable of generating a profit, and thus remains non-profit making over the initial period whilst the achievable trading level is developed and building towards its full potential. Although not explicitly shown in the above appraisal, it would in my opinion be appropriate to factor in to the judgements made, the expected delay to be experienced, before there is any credible prospect of profit generation.
- 4.5.9 The above appraisal includes assumptions which are obliged to be made over the capital requirement necessary to achieve the freehold acquisition; the associated fees/costs; the undertaking of required investment in repairs and refurbishment; and the required investment to acquire and install a completely new trade inventory of furnishings and equipment. Based upon the property's known history, and its physical condition and circumstances existing when acquired, it is my considered opinion, that it is highly unlikely that any party proposing such a venture, would be able to achieve financial backing from any commercial lender when subject to application of prudent market led lending criteria. Nor in my opinion, would a prudent party with suitable experience and skills in the public house trade sector, willingly invest and risk their own capital on such a venture.

5 Conclusions

- 5.1.1 My conclusions arising from the above consideration, discussion and analysis of the Oddfellows closed public house are, that an assessment made of the economic viability of it being reopened for public house use and thereafter its trading viably sustained, must reasonably take into account the following four key issues:
- The property comprises an old and dilapidated building in need of significant repair and refurbishment. The required renovations necessitate that any party contemplating the property's purchase for an intended continuation of public house trade use, has sufficient capital reserves and capital raising power, to enable them to further invest in the property, following its acquisition. Such renovation works then requiring to be completed prior to the ability to relaunch public house trading.
 - The judgement over the future viability of the Oddfellows as a trading public house is obliged to be made without the benefit of any records of past trade performance, thus amplifying the perceived risks for parties contemplating the venture and of any prospective lender approached to assist with provision of finance.
 - In the current market conditions, willing suppliers of finance have reduced in number and those continuing to participate in the public house market, are adopting increased prudence and caution, resulting in increased costs of borrowed funds, particularly in circumstances of a property being closed and with no availability of a proven trade history.
 - The local resident population and visitors to the village of Higham on the Hill, are currently reasonably well supplied with a variety of currently trading alternative public house amenities in



the surrounding district, which together generate a material level of existing competition to the Oddfellows were it to be reopened.

- 5.1.2** On a balanced consideration of the Oddfellows, its location; its physical condition; the facilities it is capable of offering; the absence of any records of past trade history; the external factors currently impacting on the trade performance of public houses; and the scale and nature of the existing public house competition within the local district surrounding Higham on the Hill, I have arrived at an opinion that the property does not have a credible or economically sustainable future in trading as a public house or pub-restaurant.
- 5.1.3** I have detailed above the financial rationale which would be applied by any prudent party considering taking on the property for continued public house trade use. In reality, the financial return expected on seeking the acquisition and subsequent investment necessary to deliver a condition which is suitable for trading, would be non-existent or poor, and potentially significantly loss making.
- 5.1.4** Pub operators, whether individuals, partnerships or corporate concerns, continue to face considerable financial challenges in remaining profitable in existing and already mature established public house trading concerns, as a result of wholesale goods price inflation, staff shortages and increasing operating costs.
- 5.1.5** Based upon the above detailed judgements and applied rationale, I report my expert opinion that the Oddfellows, Higham on the Hill, does not have a current, nor any likely credible future economic viability in being reopened and trading sustained as a public house. Based upon these considerations, there is no realistic prospect of the Oddfellows public house continuing in public house use for the above detailed economic viability related commercial and operational reasons.



6 Professional Declaration

- 6.1.1** I have prepared this report in the capacity of a surveyor expert witness and include below the required declaration expected of Chartered Surveyors acting in this capacity.
- 6.1.2** I confirm that my report includes all facts which I regard as being relevant to the opinions which I have expressed and that attention has been drawn to any matter which would affect the validity of those opinions.
- 6.1.3** I confirm that my duty as an expert witness overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in giving my evidence impartially and objectively, and that I will continue to comply with that duty as required.
- 6.1.4** I confirm that I am not instructed under any conditional fee arrangement.
- 6.1.5** I confirm that I have no conflicts of interest of any kind other than those already disclosed in my report.
- 6.1.6** I confirm that my report complies with the requirements of the Royal Institution of Chartered Surveyors (RICS), as set down in Surveyors Acting as Expert Witnesses RICS Practice Statement.

Signed:

Anthony Barnes BSc (Hons) MRICS

Dated: 25th March 2025.



APPENDIX 1 – UK QUARTERLY BEER BAROMETER

UK Quarterly Beer Barometer

4th Quarter 2019



Moving annual total beer sales ('000 barrels)

Total sales	Q1		Q2		Q3		Q4	
	Volume	% change	Volume	% change	Volume	% change	Volume	% change
2000	35,464	-0.6%	35,503	1.5%	35,052	-1.0%	34,572	-3.5%
2001	34,531	-2.6%	34,432	-3.0%	34,473	-1.7%	34,627	0.2%
2002	34,953	1.2%	35,287	2.5%	35,201	2.1%	35,141	1.5%
2003	35,052	0.0%	35,033	0.0%	35,483	0.0%	35,500	1.0%
2004	35,771	2.0%	35,969	2.7%	35,495	0.0%	35,641	0.4%
2005	35,413	-1.0%	35,015	-2.7%	35,215	-0.8%	34,902	-2.1%
2006	34,778	-1.8%	35,191	0.5%	34,596	-1.8%	34,448	-1.3%
2007	34,265	-1.5%	33,600	-4.5%	33,558	-3.0%	33,155	-3.8%
2008	33,144	-3.3%	32,790	-2.4%	32,213	-4.0%	31,482	-5.0%
2009	30,961	-6.6%	30,543	-6.9%	30,503	-5.3%	30,214	-4.0%
2010	29,927	-3.3%	30,225	-1.0%	29,514	-3.2%	29,150	-3.5%
2011	29,003	-3.1%	28,272	-6.5%	28,492	-3.5%	28,477	-2.3%
2012	28,412	-2.0%	27,984	-1.0%	27,548	-3.3%	27,031	-5.1%
2013	26,871	-5.4%	26,530	-5.2%	26,898	-2.4%	26,999	-0.1%
2014	26,848	-0.1%	27,419	3.4%	27,085	0.7%	27,090	0.3%
2015	27,047	0.7%	26,667	-2.7%	26,994	-0.3%	26,970	-0.4%
2016	26,913	-0.5%	27,026	1.3%	26,790	-0.8%	26,723	-0.9%
2017	26,905	0.0%	26,977	-0.2%	26,849	0.2%	26,916	0.7%
2018	26,947	0.2%	27,149	0.6%	27,419	2.1%	27,683	2.8%
2019	27,766	3.0%	27,603	1.7%	27,897	1.7%	27,984	1.1%

On-trade sales	Q1		Q2		Q3		Q4	
	Volume	% change	Volume	% change	Volume	% change	Volume	% change
2000	24,281	-3.1%	24,018	-3.2%	23,671	-4.4%	23,358	-4.7%
2001	23,134	-4.7%	22,961	-4.4%	22,794	-3.7%	22,763	-2.5%
2002	22,811	-1.4%	22,725	-1.0%	22,552	-1.1%	22,333	-1.9%
2003	22,165	0.0%	22,013	0.0%	21,981	0.0%	21,890	-2.0%
2004	21,821	-1.5%	21,796	-1.0%	21,621	-1.6%	21,513	-1.7%
2005	21,381	-2.0%	21,064	-3.4%	20,935	-3.2%	20,729	-3.6%
2006	20,499	-4.1%	20,466	-2.8%	20,145	-3.8%	19,942	-3.8%
2007	19,770	-3.6%	19,423	-5.1%	19,166	-4.9%	18,737	-6.0%
2008	18,389	-7.0%	17,876	-8.0%	17,506	-8.7%	17,048	-9.0%
2009	16,818	-8.5%	16,634	-6.9%	16,451	-6.0%	16,256	-4.6%
2010	15,951	-5.2%	15,714	-5.5%	15,430	-6.2%	15,135	-6.9%
2011	15,075	-5.5%	14,980	-4.7%	14,894	-3.5%	14,925	-1.4%
2012	14,766	-2.1%	14,576	-2.7%	14,379	-3.5%	14,166	-5.1%
2013	13,997	-5.2%	13,773	-5.5%	13,737	-4.5%	13,690	-3.4%
2014	13,600	-2.8%	13,677	-0.7%	13,610	-0.9%	13,537	-1.1%
2015	13,469	-1.0%	13,322	-2.6%	13,306	-2.2%	13,230	-2.3%
2016	13,218	-1.9%	13,153	-1.3%	13,035	-2.0%	12,933	-2.2%
2017	12,836	-2.9%	12,831	-2.4%	12,710	-2.5%	12,637	-2.4%
2018	12,684	-1.2%	12,579	-2.0%	12,628	-0.6%	12,730	0.7%
2019	12,707	0.2%	12,616	0.3%	12,682	0.4%	12,632	-0.8%

Off-trade sales	Q1		Q2		Q3		Q4	
	Volume	% change	Volume	% change	Volume	% change	Volume	% change
2000	11,183	5.3%	11,484	12.9%	11,381	6.9%	11,215	-0.9%
2001	11,397	1.9%	11,471	-0.1%	11,679	2.6%	11,864	5.8%
2002	12,143	6.5%	12,562	9.5%	12,649	8.3%	12,808	8.0%

2003	12,888	0.0%	13,020	0.0%	13,502	0.0%	13,610	6.3%
2004	13,949	8.2%	14,174	8.9%	13,874	2.8%	14,128	3.8%
2005	14,032	0.6%	13,951	-1.6%	14,279	2.9%	14,173	0.3%
2006	14,278	1.8%	14,725	5.6%	14,451	1.2%	14,506	2.4%
2007	14,496	1.5%	14,177	-3.7%	14,391	-0.4%	14,418	-0.6%
2008	14,755	1.8%	14,915	5.2%	14,707	2.2%	14,434	0.1%
2009	14,143	-4.2%	13,909	-6.7%	14,052	-4.5%	13,958	-3.3%
2010	13,976	-1.2%	14,512	4.3%	14,084	0.2%	14,015	0.4%
2011	13,928	-0.3%	13,293	-8.4%	13,598	-3.5%	13,552	-3.3%
2012	13,646	-2.0%	13,409	0.9%	13,169	-3.2%	12,866	-5.1%
2013	12,875	-5.7%	12,757	-4.9%	13,161	-0.1%	13,308	3.4%
2014	13,248	2.9%	13,742	7.7%	13,475	2.4%	13,553	1.8%
2015	13,578	2.5%	13,345	-2.9%	13,688	1.6%	13,740	1.4%
2016	13,694	0.9%	13,873	4.0%	13,756	0.5%	13,790	0.4%
2017	14,070	2.8%	14,146	2.0%	14,139	2.8%	14,280	3.6%
2018	14,264	1.4%	14,570	3.0%	14,791	4.6%	14,953	4.7%
2019	15,059	5.6%	14,987	2.9%	15,216	2.9%	15,352	2.7%



APPENDIX 2 – ECONOMIC COMMENTARY

Fleurets[®]

Leisure Property Specialists

UK ECONOMIC SUMMARY H2 2024



Gross Domestic Product

During 2020 and 2021 the UK battled with the Covid-19 pandemic, with restrictions and lockdowns imposed. The economic impact was unprecedented and severe and GDP fluctuated throughout these periods, reflecting the cycles of opening and closing of large swathes of the economy. The annual GDP growth rate was -10.3% in 2020 however in 2021 the annual GDP growth rate improved significantly to 8.7%.

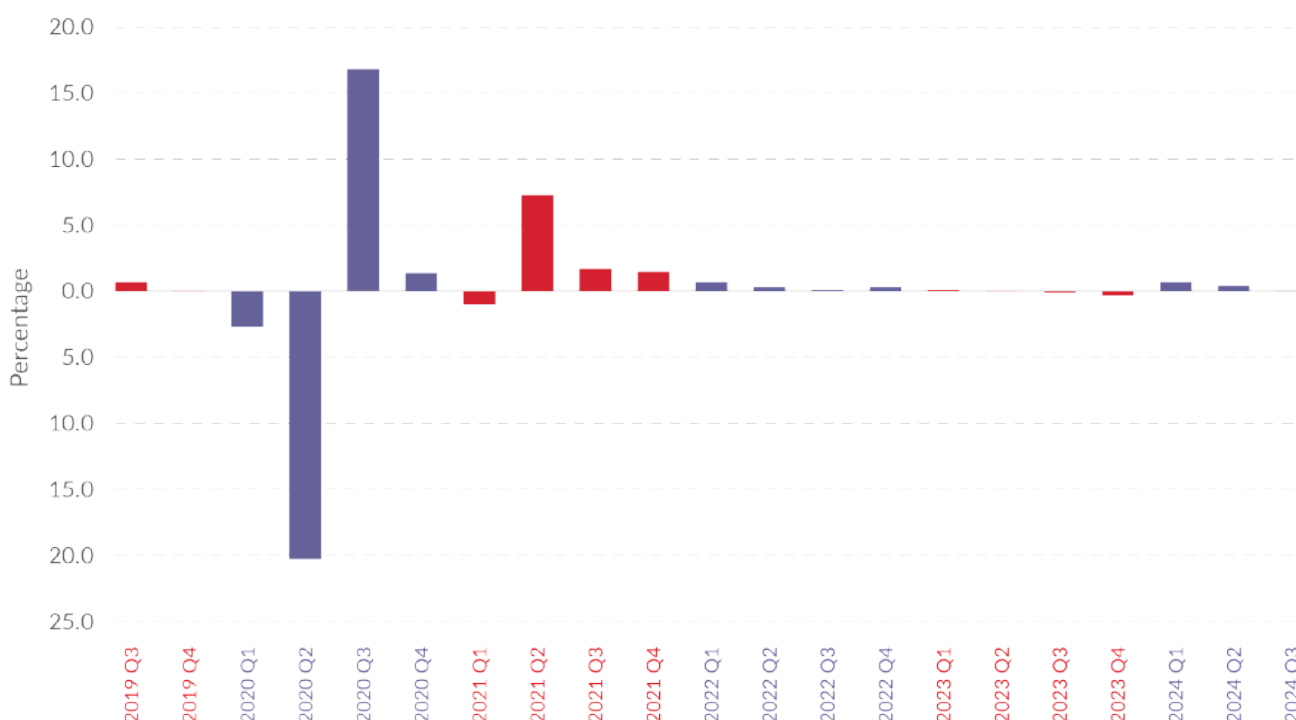
Covid became an increasingly lesser concern during 2022 however whilst this was a positive shift other outside influences negatively impacted the UK and worldwide economies. The Russia-Ukraine war began in late February 2022 and resulted in significant increases in energy costs and food price inflation and caused widespread economic uncertainty. Combined with supply chain disruption across the world as well as the raising of the domestic energy price cap, consumers and businesses faced significant increases in utility, fuel and food prices. The annual GDP growth rate in 2022 stood at 4.8%.

The peak of the inflationary pressure and economic uncertainty hit in late 2022 and it took nearly 12 months before there were clear signs of stability returning. However, whilst the peak of these pressures has passed, prices still continue to rise albeit at a much lower rate. Higher living costs has meant less disposable income for consumers and therefore decreased spending. Annual GDP growth in 2023 was just 0.3%. This is the weakest growth since the financial crisis in 2008 and 2009, excluding the year 2020 which was affected by the Covid-19 pandemic.

The start of 2024 showed signs of positive growth returning and improvement in the UK economy with growth of 0.7% in Q1 2024 driven by stronger spending in the retail, hospitality and public transport sectors. Inflationary pressures were easing and consumer confidence was improving. The second half of 2024 has however seen fresh uncertainty for the UK economy following the election of the Labour government in July 2024 and more recently their Budget which has triggered increased costs for business, particularly with regard to wage costs, and introduced market uncertainty and wavering consumer confidence. Inflation has also started to creep up once more. There is now growing concern over unemployment rates, job prospects and investment.

UK GDP – Q3 2019 to Q3 2024

Source: ONS Gross Domestic Product: Quarter on Quarter growth: CVM SA %



Interest Rates

Base Rates were held at 0.5% for 7 years between March 2009 and August 2016, at which point rates were cut to 0.25%. The Bank of England cited the rate cut as necessary to stem the risk of a recession and to boost the economy following the vote to leave the EU and the concerns of weaker growth as a potential consequence.

In November 2017 interest rates were raised to 0.5% and from August 2018 were raised to 0.75%, as a result of improved economic conditions and lower inflation. At the start of 2020, the Monetary Policy Committee voted to maintain interest rates at 0.75% due to the global economic stabilisation and concerns regarding Brexit diminishing.

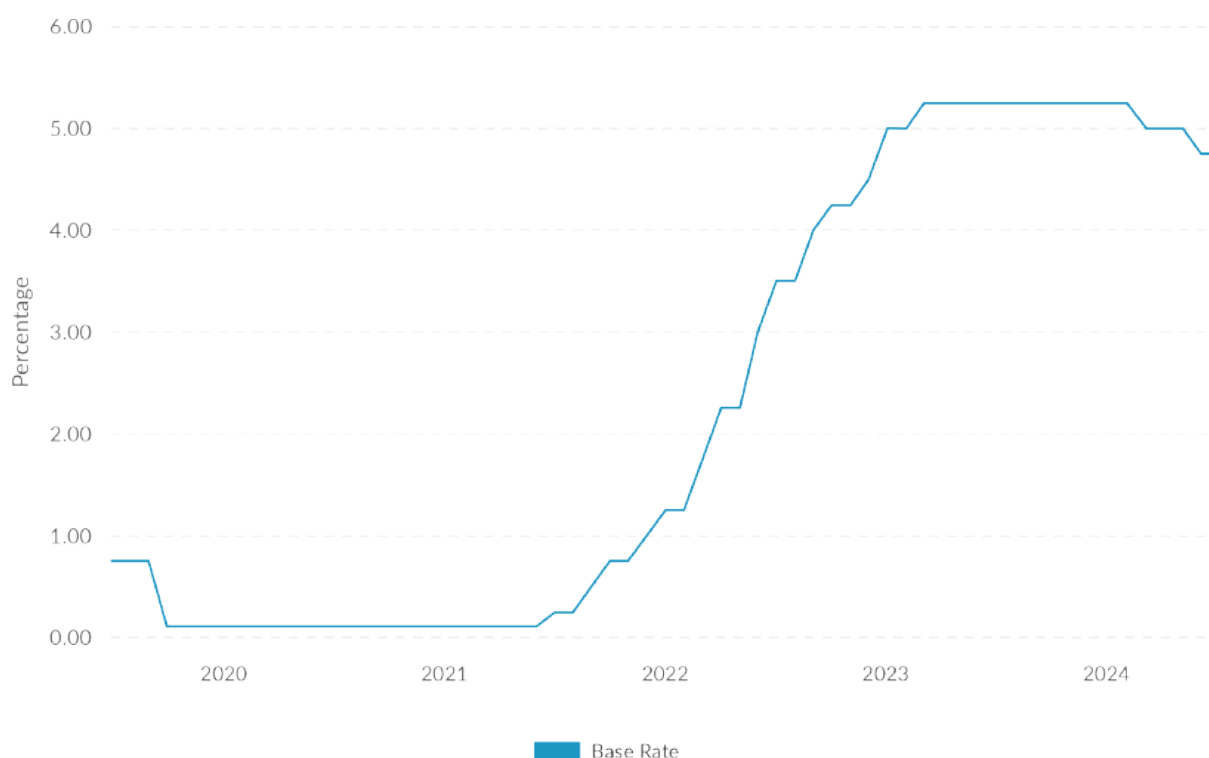
However soon after this the UK was rocked by the Covid-19 pandemic and as a direct consequence of this the Monetary Policy Committee made emergency cuts in interest rates, falling as low as 0.1% from March 2020 in an effort to try and mitigate the economic decline. Interest rates were raised to 0.25% in December 2021.

The Russia-Ukraine war began in late February 2022 and resulted in significant increases in energy costs and food price inflation and caused widespread economic uncertainty. Combined with supply chain disruption across the world as well as the raising of the domestic energy price cap, consumers and businesses faced significant increases in utility, fuel and food prices. Inflation rose significantly and was running at high levels for many months. Whilst the peak has now passed, prices still continue to rise but at much lower rates.

The Bank of England responded to the spiralling inflation levels by raising interest rates, reaching 5.25% by August 2023. Due to the persistent inflationary pressure, the Bank of England maintained the Base Rate at 5.25% for around 12 months, only starting to fall again from August 2024 and now standing at 4.75% from November 2024. Following the Labour Budget in October 2024, market uncertainty has increased as has inflation and the anticipation of further rates cuts has weakened and it is expected that rates will remain higher for longer.

Bank of England Interest Rates – December 2019 to December 2024

Source: Bank of England



Inflation

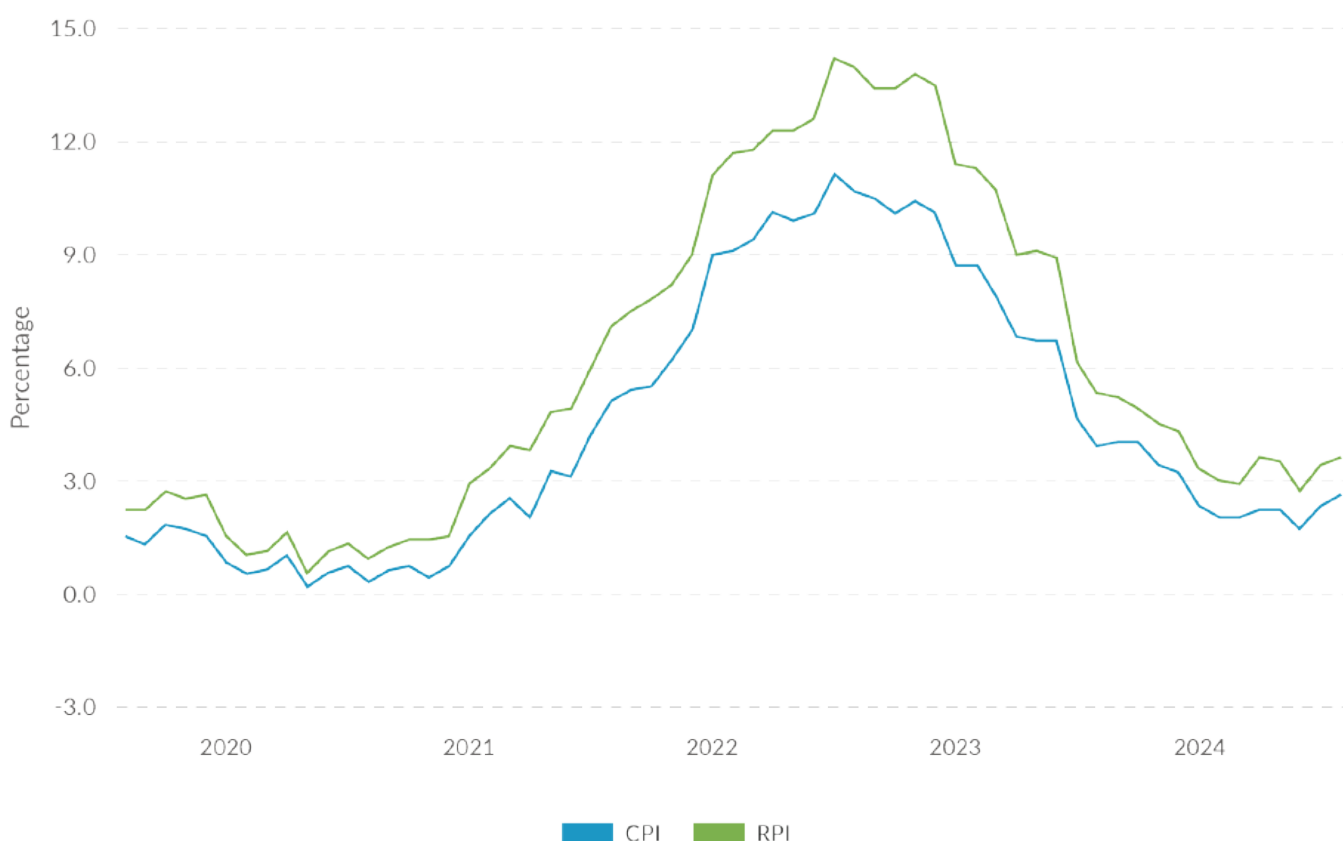
Consumer Price Index (CPI) and Retail Price Index (RPI) rates increased significantly following the outbreak of the Russia-Ukraine war, driven by rises in energy prices as well as due to supply chain disruption.

Since reaching the highest levels seen in c.40 years in Q4 of 2022, inflationary pressures gradually reduced over the following 18 months to two years, with CPI falling to 2.0% in May and June 2024 and RPI falling to 3.0% and 2.9% respectively.

Following the general election in July 2024 CPI rates have risen, now standing as 2.6% as at November 2024. RPI rates have also risen, now standing at 3.6% in November 2024. The key driver behind the rise in inflation is due to rises in fuel and second-hand car prices. Recreation & culture, clothing & footwear and alcohol & tobacco were also drivers of inflationary increases. Inflation now sits above the Government's 2% target and some sectors are forecasting economic stagflation given the combination of inflationary pressures and weak GDP growth. Inflation is expected to remain above the 2% target, particularly due to the upcoming increases in wage costs.

CPI and RPI Rates – November 2019 to November 2024

Source: ONS



Unemployment

Following the onset of the Covid-19 pandemic, unemployment levels rose, reaching 5.2% in December 2020, a level not seen since Q4 2015 and Q1 2016. Since the start of 2021 unemployment rates declined continually to a rate as at March 2022 of 3.7%. This was despite the fears that the ending of the furlough scheme from October 2021 would result in widespread redundancies and increased unemployment.

Unemployment levels were relatively stable throughout 2022 to mid-2023 at between 3.6% and 4%. Since mid-2023 unemployment rates increased slightly, reaching 4.4% in April and May 2024 and have remained around this level since, standing at 4.3% in September and October 2024.

Throughout 2022, 2023 and into 2024 there has been a supply-demand disconnect in leisure and hospitality employment and recruitment with demand for staff strong against a shortage of candidates. This has fuelled wage growth as companies compete to secure staff.

Looking into 2025, as a result of the Labour Budget, employers now face increased national insurance contributions and higher wage costs. The National Minimum Wage is set to increase from April 2025 to £12.21 per hour for employees aged 21 and over, up from £11.44.

Growth in average weekly earnings, both inclusive and exclusive of bonuses, for the three months to the end of October 2024, was 5.2%. In real terms, reflecting CPIH, the growth was 2.2%. Annual average regular earnings growth for the private sector was 5.4% and for the public sector was 4.3%. The strongest growth in regular earnings was seen in the manufacturing sector.

Unemployment Statistics – October 2019 to October 2024

Source: Trading Economics



Consumer Confidence

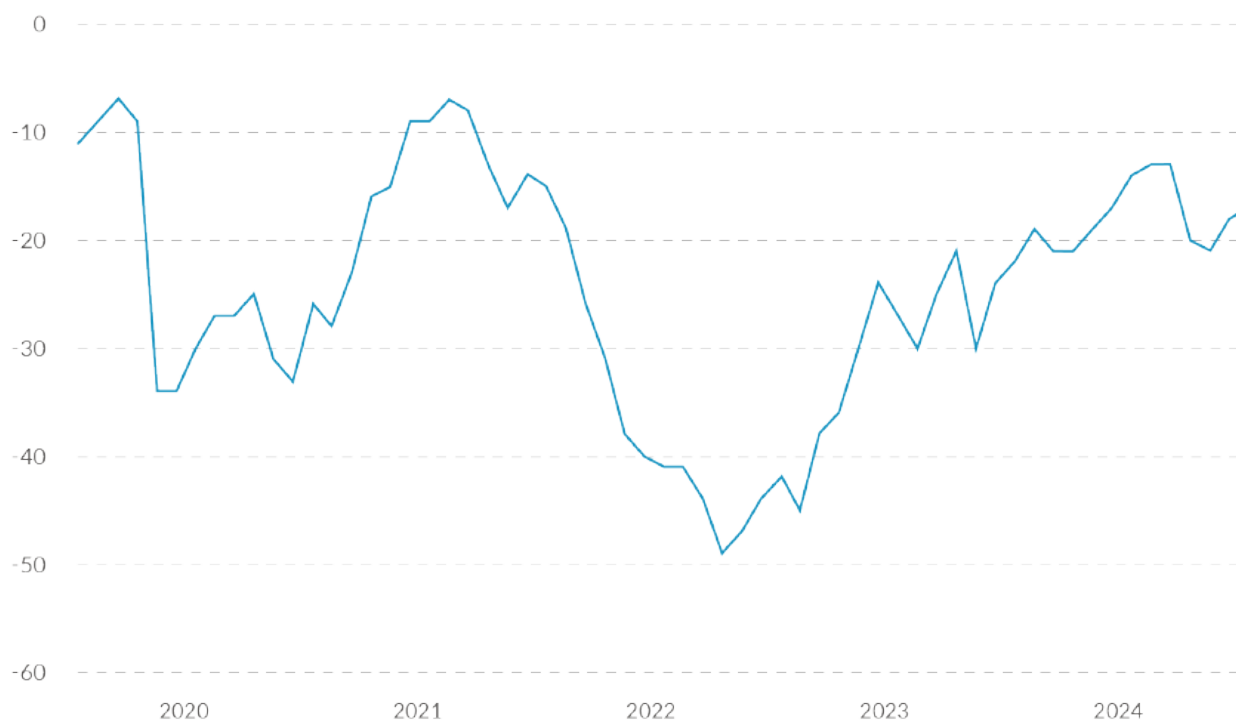
The Consumer Confidence Index is an indicator designed to measure the degree of optimism that consumers feel about the overall state of the economy and their personal financial situation. At the height of the credit crunch in 2008 the index stood at -39.

At the onset of the Covid-19 pandemic consumer confidence fell dramatically to -34 in April 2020. Throughout 2021, consumer confidence improved considerably. However, during 2022 consumer confidence fell from -19 to -42. In September 2022 consumer confidence hit a record low of -49, likely due to the continued cost of living crisis, the war in Ukraine, and the political uncertainty at the time, with changes in government leadership and fiscal policy negatively affecting the market place.

Over the past two years consumer confidence steadily improved to reach -13 in July 2024, the highest level since September 2021 but since falling to -17 as at December 2024. This is a slight improvement on the dip to -20 and -21 in September and October 2024, coinciding with uncertainty around the Budget. The latest improvement is likely attributable to the reduction in interest rates as well as more certainty following the outcome of the budget.

Consumer Confidence Index – December 2019 to December 2024

Source: Trading Economics



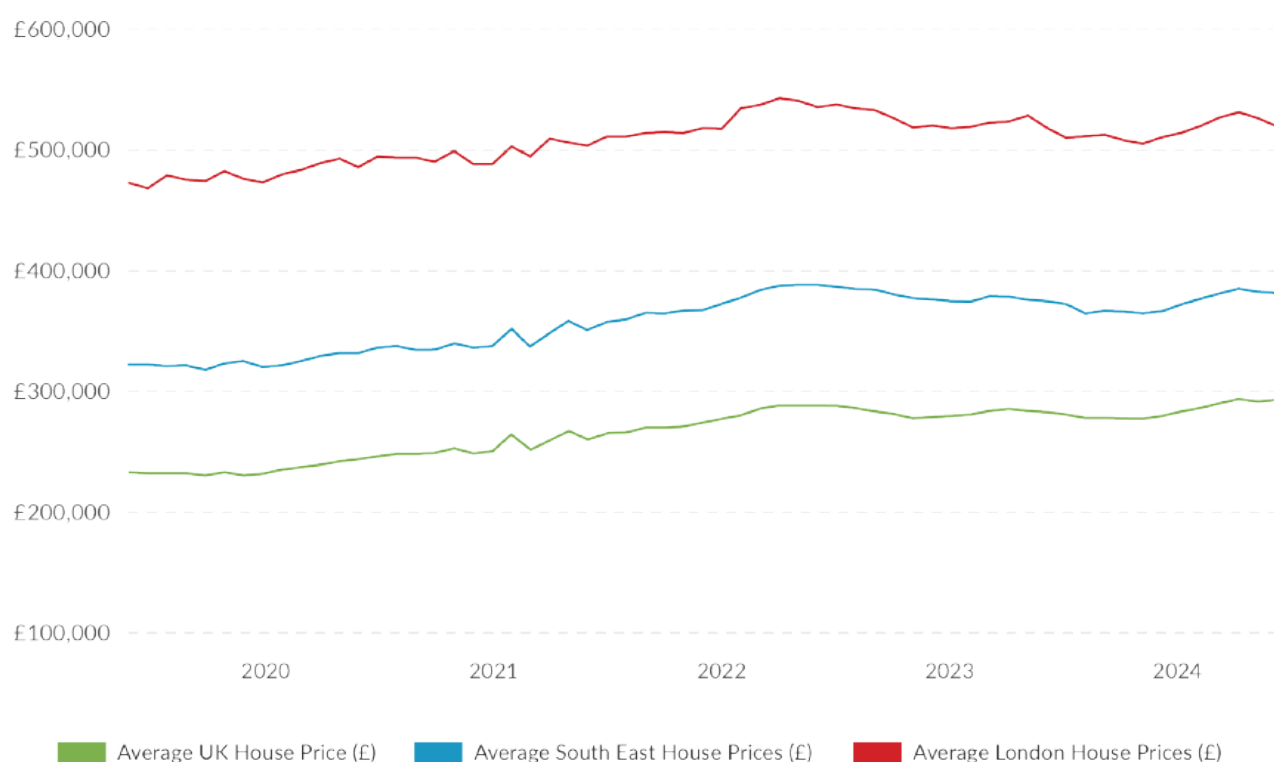
Housing Market

Following the December 2019 General Election, the RICS reported improved sentiment and transactional activity in the housing market driven by increased activity in London and the Southeast. Reduced uncertainty regarding the election and Brexit underpinned this activity. Affordability however remained a challenge, particularly for young adults with house prices high compared to incomes.

Brexit and political uncertainty reduced only for the housing market to then be faced with the impact of the Coronavirus pandemic. As part of the first lockdown the Government effectively froze the market, prohibiting estate agents from undertaking in-person viewings and valuations. This resulted in the lowest level of sales (April 2020) since records began in 2005.

Average House Prices – October 2019 to October 2024

Source: Land Registry. Contains HM Land Registry data © Crown copyright and database right 2020. This data is licensed under the Open Government Licence v3.0.



After the first lockdown restrictions were lifted there was a surge in the number of properties being put on the market for sale, the highest level since March 2008, and there was increased activity with people living in London and the southeast looking to move further out as home working became easier and more acceptable to employers. During the first lockdown, mortgage offers were granted extensions beyond the standard 3 month period in order to assist purchasers in transactions and some banks granted customers mortgage holidays to help them through the period. At the height of the pandemic in the UK a number of banks withdrew mortgage products from the market and some increased the minimum deposit level required in order to access a mortgage.

With the reopening of the housing market, the mortgage market also started to widen again. In an effort to reinvigorate the housing market, Stamp Duty was cut to 0% on houses up to £500,000 until 31st March 2021. This was later extended to 30th June 2021. From 1st July 2021 the threshold reduced to £250,000 and returned to the original level of £125,000 from 1st October 2021. The reduction in stamp duty rates was a key driver in house price growth and transactional activity in 2021.

With inflation running at high levels during 2022 and 2023, interest rates were raised in an effort to combat this, reaching 5.25% in August 2023. This resulted in rising mortgage rates and dampened the housing market with transactional volumes down on 2022 levels. With the higher borrowing costs, 2023 also saw a suppressed housing market with transactional volumes down. Whilst 2024 saw interest rates remaining at high levels, the housing market appears to have proven resilient and the average UK property price increased by 3.4% over the 12 months to the end of October 2024 (Land Registry data). According the Land Registry the average UK house price as at October 2024 was £292,054, up from £282,389 12 months previously.

Interest rates have now started to fall with a reduction to 5% in August 2024 and to 4.75% in November 2024. From April 2025 Stamp Duty rates will change with the 0% band only applying to properties up to £125,000 rather than £250,000. Properties falling within the £125,001 to £250,000 will be subject to a 2% tax rate resulting in more lower value properties being subject to SDLT. Discount rates for first time buyers are also changing with no SDLT payable on the first £300,000 rather than £425,000 and the cap on application of the discount is reducing from £625,000 to £500,000.

Altogether, the outlook for the property market is looking uncertain.





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APPENDIX 3 – PUBLIC HOUSE MARKET COMMENTARY

Fleurets[®]

Leisure Property Specialists

PUB SECTOR COMMENTARY 2024/2025



Sector Composition

The public house industry has two broad operational models.

- Managed Houses, held on either a leasehold or a freehold basis, are typically the biggest and best operations. They are mainly owned by the larger companies, employing on-site management and operational staff.

Managed houses tend to occupy larger sites in strong trading locations, often in town centres and suburban areas or within leisure and retail parks. With the shift in focus towards increased food sales in recent years, more rural locations have also proven increasingly appealing and several managed house pub companies have increased their presence in these locations and created destination food-led venues.

Managed House operators retain total control over the operational style of the business, the products sold, marketing and income generation together with the operational costs. Significant economies-of-scale are possible through group ownership and operation, and in turn these units produce the highest level of sales and profitability in the sector.

- Tenanted/Leased sector offers a cheaper entry into the market and are more commonly operated, and indeed more appealing to independent and small multiple companies and individuals (as tenants). Depending on the nature of the landlord, as well as other circumstances, the tenant can occupy the premises under a tied or free of tie lease/tenancy. In the case of a tied lease/tenancy the landlord receives a core 'dry' rent plus additional wholesale profit, the 'wet' rent. The 'dry rent' is agreed between the parties at the inception of the lease or at rent review and reflects the lease terms and scope of the product tie. The 'wet rent' is the margin made by the landlord in the supply of the tied products (this element of the rent moves with turnover). Alternatively, the tenant may be 'free of tie' and able to purchase their products from any source of their choice and freely negotiate pricing. In this instance, the landlord receives a 'dry' rent only.

MANAGED

wetherspoon

**Mitchells
& Butlers**

**PORT
BELLO
PUB CO**

**ESTD 1831
YOUNG'S**

**RedCat
PUB COMPANY**

MANAGED & TENANTED

**stonegate
PUB COMPANY**

**17
GREENE KING**

FULLER'S

PUNCH

MARSTON'S

TENANTED

**admiral
TAVERNS**

**WELLINGTON
PUB COMPANY**

**star
PUBS & BARS**

ROBINSONS

**RED OAK
TAVERNS**

Market Overview & Activity



As we look back over the past five years it is incredible how many challenges and changes the pub industry has faced. These came in continuous waves, seemingly without much chance for anyone to take a breath and recover before the next came along. That said, the industry has proven remarkably resilient and continues to put up a strong fight, evolving with each new challenge. Intrinsic to this is the important role that pubs play as a Great British institution.

Covid-19 seems something of a distant memory now but one which has left its mark. For some operators, the financial toll is still being felt as Covid loans and repayment plans continue to be paid off. All remaining Covid-19 restrictions had been lifted by the end of July 2021 and the world started to return to normal, or the new normal. Workers returned to offices mainly on a part time/hybrid basis, passenger numbers on commuter trains increased, albeit mainly on Tuesdays, Wednesdays and Thursdays, which started the new normal for workers in city centres, and consumer confidence and market sentiment improved significantly during the mid part of 2021. This was however a brief lull before the next storm that was brewing on the horizon.

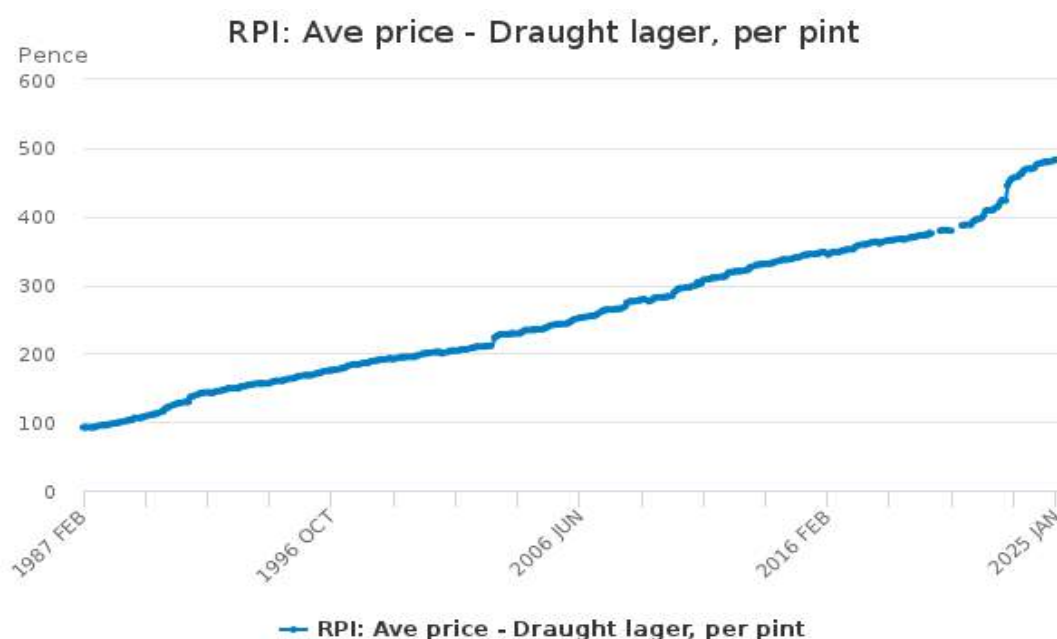
In February 2022 Russia started a war with Ukraine, a war which continues to this day. The war resulted in rising energy costs, food price inflation and caused widespread economic uncertainty. Combined with supply chain disruption across the world as well as the raising of the domestic energy price cap, consumers and operators faced significant increases in utility, fuel and food prices. In turn, consumer confidence and consumer spending was negatively affected and remained suppressed throughout 2022.

This was exacerbated by an unstable political leadership at the time, train strikes, and sector difficulties with staff recruitment and retention. The ability to secure finance for acquisitions also became more expensive and in some cases more difficult. Interest rates increased to as high as 5.25% in August 2023 and remained at this level until August 2024. Consequently, from mid-2022 onwards the flow of acquisitions became less frequent. Available pub stock levels generally diminished and the market became cautious. In addition, there was often a disconnect between seller and buyer price aspirations. In the leasehold sector, there also was a rebasing of rents and pricing, reflecting the market conditions being faced. Notwithstanding this, there remained some companies who were able to be acquisitive, such as Young's and Red Oak Taverns, supported perhaps by virtue of their target property type and strong financial backing. These issues flowed through into 2023 and 2024 but again the pub sector proved resilient.

**£4.83 - Average
price of a pint
of lager (UK)**

Source: Office for National Statistics (ONS)

Customers have however borne the brunt of a raft of price increases as operators have been faced with little option but to pass on the increased operational costs, at least in part, to the consumers. According to the Office for National Statistics the average price of a pint of draught lager has increased from £3.67 in January 2019 to £4.83 in January 2025. Prices are expected to rise further as the sector seeks to absorb the impact of the Labour budget which will see wage costs increase again when the employer National Insurance Contribution secondary threshold is lowered and the rate increased and business rates relief falls from 75% to 40% (subject to the cap at £110,00 per business).



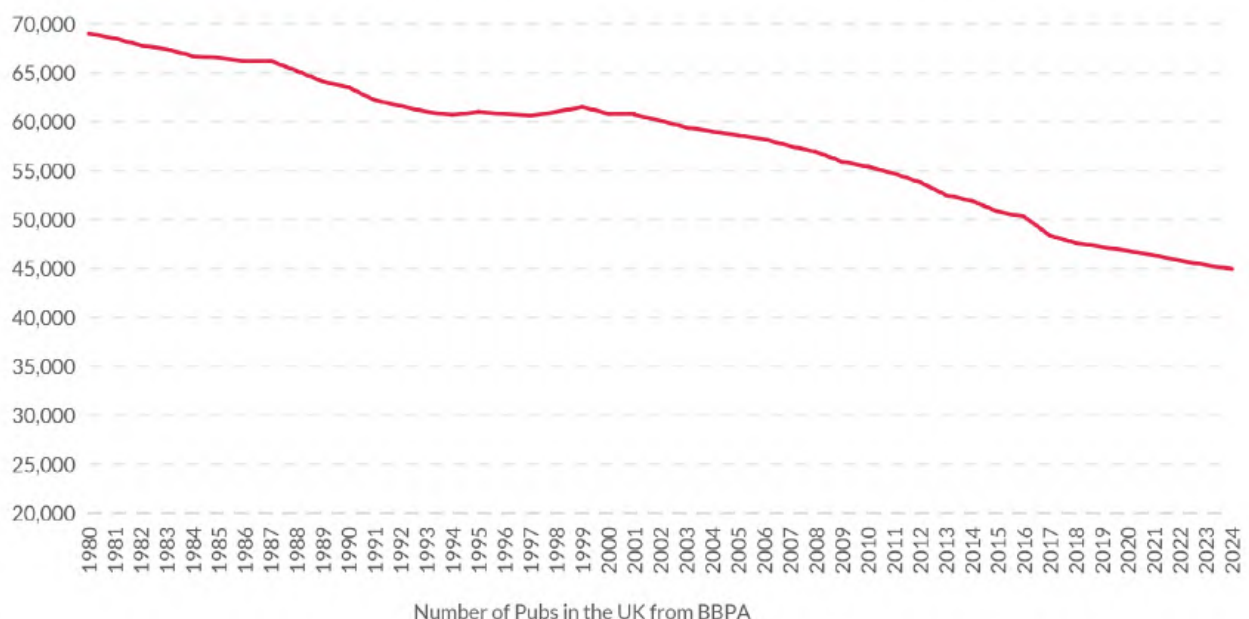
Source: ONS

As a consequence of the high rates of inflation and price rises in 2022 and 2023, several major pub companies have reported strong like-for-like headline managed house sales growth for the years ending 2023 and 2024.



But whilst like-for-like sales growth is making for positive news stories, bottom line profit continues to be squeezed with operators citing increasing operating costs leading to profit erosion, something which is expected to be exacerbated further in 2025 as wage costs increase and business rates relief is reduced.

It is not surprising that some businesses have failed in the past few years, however, despite the turbulence and pressures, with the assistance of the Government support throughout Covid, the number of pub closures has arguably not been as bad as the market anticipated. The rate of decline for 2021, 2022 and 2023 was 1.0% - 1.1% per annum with the number of pubs in 2023 standing at 45,350. The BBPA estimate that the number of pubs in the UK by the end of 2024 was in the region of 44,950. This is a reduction of 400 over the year. With rising prices, changes in consumer habits and lifestyles pubs are having to reposition themselves in order to survive and grow. The expectation is however for further closures in the coming months and year ahead.



Notwithstanding all these challenges 2024 proved to be a busy year in the M&A arena. Set out below is a summary of some of the key transactions.

Date	Vendor	Purchaser Units	Units
Dec-24	Admans	Wells & Co	3
Nov-24	Oakman Inns	McMullens	2
Oct-24	Amber Taverns	Epiris	178
Sep-24	Apriose (Milton 1 & 2)	Punch Pubs	14
Sep-24	Marstons	Admiral Taverns	18
Aug-24	Antic	Urban Pubs & Bars	11
Aug-24	Lovely Pubs	Fullers	7
May-24	Marstons	Red Oak Taverns	19
May-24	Fullers	Admiral Taverns	37
May-24	Old Spot Pub Co	Frontier Pubs	3
May-24	Pesto	Mitchells & Butlers	10
Apr-24	JDW	Mountain Pubco	3
Apr-24	Wear Inns (Milton 3)	Punch Pubs	24
Apr-24	Steamin Billy	Punch Pubs	3
Apr-24	Darwin & Wallace	Portobello Pub Company	7
Mar-24	Derby Pub Co	Pub People	2
Mar-24	City Pub Co	Youngs	51
Feb-24	Rekom	Rekom 2	23
Jan-24	North Brewery	Kirkstall Brewery	2
Jan-24	New Dawn Pubs	Brakspear	2
Jan-24	Marstons	Red Oak Taverns	4
		21 Transactions	423

The year started with a flurry of portfolio deals, with Q1 seeing seven deals involving a total of 84 pubs. The most notable transaction was the acquisition of the City Pub Co by Young's. The collection of 51 premium assets which were primarily freehold and located in the South East sold for £162m. This represented an average price of £3.24m per pub and an EBITDA of 12x. Q2 saw continued activity with eight small and medium sized transactions including:

- Punch Pubs acquisition of the managed estate of Wear Inns in the North East for £15.68m.
- Admiral Taverns acquisition of 37 tenanted pubs in the South East from Fullers for 18.3m for, reflecting a 11.44 multiplier.

H2 saw reduced activity as political uncertainty increased in the run up to the election and whilst inflation was dropping, the perception was that prices remained high. Interest rates had reduced marginally but again remained at historically high levels. The most notable event was the purchase of the 178 strong Amber Taverns by private equity group Epiris. In February 2024 the group had announced turnover of £110.4m with underlying earnings more than £25m. Multiple buyers in the year included Punch with three deals involving 41 sites, Red Oak Taverns with two deals involving 23 sites and Admiral Taverns with two deals involving 55 sites. Other notable corporate buyers on a more individual basis included Valiant, Trust Inns, Amber Taverns and Inglenook Group. It is interesting to note the majority of the H2 M&A activity was in the wet led community pub sector.

For investment opportunities the capital value is linked to the rents receivable and market rents, but also investor demand and investor perception of the tenants' covenant strength. Interest in regional assets subject to leases has increased markedly in the last few years, driven by renewed confidence in the regional market, helped by the improving operational performance post Covid away from City centre locations. The increase in activity generated downward pressure on yields which was exacerbated by lack of good quality stock.

Covid-19 clearly had a significant impact on the UK leisure and hospitality market, particularly due to the enforced restrictions on trading which forced most operational leisure properties to close for large parts of the pandemic. Many elements of the hospitality sector emerged from the restrictions to open to strong levels of customer demand, with many operators reporting record levels of turnover, albeit such instances were location driven. Those venues which were more attractive to staycation/tourist custom reported the strongest levels of trade. City centre venues, particularly London, by comparison remain subdued. Driven by these positive factors the investment market remained active post Covid with transactions demonstrating robust yields, with little or no sign of any softening from pre-Covid levels.

The pub investment market has faced the same headwinds in the past couple of years with high inflation, weakened consumer confidence and market sentiment and materially higher interest and bank lending rates. This has led to a softening of yields. Finance has also become more difficult to access and more costly due higher interest rates. This has further diminished the pool of potential investment purchasers.

Pre Covid prime assets, particularly those located in London demonstrated yields of sub 5.0% for 'best in class'. In the current market there has been a clear yield shift of at least 1 to 2 basis points, sometimes even greater. That said, the leisure investment sector still remains attractive and it is interesting to note that many of the prime investment transactions have taken place off market. Investors have also become more selective over their acquisitions and some investors have opted to shift their focus to other sectors.

The secondary investment tier is however proving more difficult with transactions more price sensitive and taking longer to complete and with a more price sensitive customer profile with an eye on wider investment characteristics such as "value add" and development opportunities.

Turning to the private owner operator sector, specifically the single asset market place, stock levels remain at lower levels than pre-Covid, and many transactions appear to be taking place "off market" leading to a distortion as to the reality of the state of the market place during 2024. There is still a cautiousness in the market and it is likely to take until the summer before the impact of the Budget hits and we truly see how the pub market will fair. The most active areas of this sector of the market appears to be for assets in the £500,000 and under bracket. Purchasers for these assets tend to be less likely to require bank funding. The premium end of the sector has also seen good levels of activity with a number of high value sales taking place, particularly across the Southeast.





OUTLOOK

There are wider concerns over the effect of the Budget on consumer spending. How much of the increased cost burden can be passed on to customers before trade levels are reduced and how many pubs are pushed into an unviable trading position, remains to be seen. History has shown that an increased cost base, with the inability to cover these increases with retail price increases, will result in business failures and more pubs will close. There is also significant uncertainty from a geo political perspective, the ongoing war in Europe and potential trade wars with the U.S. which may result in renewed inflationary pressure.

How many pubs will be forced into a sale may depend on the willingness of the banks to continue to provide support. What is likely, is that while the market is anticipating an increase in failures resulting in a potential reduction in sale prices, decisions will be deferred and acquisition activity will be subdued, with buyers not wanting to commit funds just prior to a possible price correction.

Opportunities do exist, but it is likely to be those companies who are well funded and well established that are able to take advantage. Where good quality opportunities arise, interest levels will be high, driven in part by the lack of available stock coming to the market. Demand for pubs with a clear and sustainable future remains strong. More marginal, underinvested outlets without the ability to diversify or increase trade will be vulnerable. These may, if they are to remain as pubs, have to rely on becoming part-time, "life-style" or community owned operations. If not, they will need to rely on the ability to change use if we are to prevent more pubs remaining closed in our towns and villages.

Longer term, the strong will survive, the sector has opportunity and with improved consumer confidence and access to funding we can expect to see increased market activity later in the year.



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APPENDIX 4 – EXTRACT OF BBPA OPERATING COSTS SURVEY 2024

Running a pub



A guide to costs for tied tenants and lessees



British Beer and Pub Association: June 2024

Introduction

Business plans, and the negotiations over leases and tenancies in the UK pub trade should be as well-informed as possible. This guide provides the latest data for tenants and lessees on typical operating costs in the UK pub industry.

This report represents the best available 2023 data from BBPA member companies on the costs of running a tied pub in the tenanted and leased sector. It is a vital reference tool for anyone running a tied pub or thinking of doing so.

The guide shows both the average and the range of costs in running a pub over a variety of pub models based on turnover and business types, including food and wet-led models.

The report takes account of the significant variations that exist in the cost base - even within those pubs that are broadly in the same category. Such costs are based on the size and location of the pub, the age and state of repair, the operating style and the experience of those in charge. Costs will also vary dependent on tenure type (for example repair and insurance obligations).

As well as providing average costs, the guide also includes the minimum and maximum typical costs providing a range of scenarios across different types of business.

However, we would point out that as input data and sources change each year, the information should not be used to determine trends from year to year. The data should also be used in conjunction with sources such as the UK Hospitality benchmarking report¹ and other pub trade data.

¹ See UK Hospitality's 2022 benchmarking report: [UKHospitality - Benchmarking Report 2022](#)

Background and explanatory notes

The BBPA guide has been compiled from data supplied by BBPA members in relation to short term tenancies (usually 3-5 years) and longer-term leases (the latter tend to be fully repairing and insuring). 77% of the pubs sampled in the 2024 report were tenancies and 23% were leases with this percentage of tenancies higher for the smaller turnover models and lower for the largest turnover models as would be expected.

The tables represent a composite of profit & loss accounts presented to tenants by companies based on their experience across their entire estate, or a representative sample of their estate, and individual pub accounts that have been made available to their pub companies. The P&L data provided to tenants/lessees will largely reflect the position ahead of any negotiation. Across the nine models, data in relation to just under 4,100 pubs was provided.

The information is supplied in summary form across nine different pub models. Whilst not inclusive of all business models, they are representative of the vast majority of pubs run as either tenancies or leases. The sample base for each model was a minimum of 130 pubs with the maximum being 840.

Weekly costs are shown on the basis that the pub business is directly operated by the tenant or leaseholder and that their income is derived from the profit remaining after operating expenses and rent payable is deducted.

The examples and figures supplied in the survey give an indication of the weekly costs that are likely to be incurred in the types of pub businesses described in this guide.

Where these figures are to be used in preparing business plans or for other purposes it should be borne in mind that **all pubs are unique and that the actual costs incurred will be dependent on the different aims and styles of the business according to the location, the market and the skills of the tenant/lessee.**

Costs do vary across the country and the size of the business, as well as its focus, which will have a significant impact on costs. For further information on taking on a pub, please refer to the links section at the end of this guidance.

Utilities and inflation: As the costs in this report relate primarily to 2023, **they may not reflect the full extent of the 2022/2023 energy crisis as there was a lot of variation depending on when contracts were up for renewal and the prices available at that time, nor will they reflect the prevailing market conditions looking forwards in the event of any cost deflation.** Such large fluctuations, on what is usually the second biggest cost line, will have a significant impact on a pub's overall cost and operating margins. Continued fluctuation in inflation across 2023 will also impact other elements of the model and, therefore, **particular caution is required again when reviewing the data this year as well as comparing prevailing market conditions projecting forwards.**

Excluded costs

Some costs (and income streams) have not been included in the guide:

MANAGERS' SALARIES: Individual tenanted and leased pubs (the focus of this survey) do not employ full-time managers and therefore such costs are not included. All other staff costs are included in the survey. Staff costs for food-led pubs are greater, given the need for specialist expertise and the greater labour input required in running a food-led operation.

AMUSEMENT MACHINES: Neither the income nor the costs from amusement machines (Category C/fruit machine, Skill with Prize, pool tables etc.) have been included in the main operating cost analysis but are shown below the divisible balance. Please note the average will reflect that different operating models have varying amounts of machines. Although we ask for gaming machine income as part of this report, it will include pubs with no machines, so will not accurately reflect the takings for any given pub within the model if it has machines. Data from a separate annual survey carried out by the BBPA suggests that the average weekly *house takings* in 2023 for a leased/tenanted pub with machines was £389. The average weekly balance *per analogue machine* was £103 and *per digital machine* was £309. There has been a significant shift in recent years to digital machines from analogue.

Operating costs per pub model

The main body of the report has been arranged by the average reported operating costs for each pub category. As previously highlighted, costs exclude managers' salaries.

Summary tables

At the end of the report, summary tables have been arranged by the **minimum and maximum reported total operating cost for each pub model** (as well as the weighted average). This specific pub model is then divided into individual cost lines based on the averages for that particular pub company. For some cost lines these of course may be zero in some instances (e.g. Pay-TV, Live Music). As previously highlighted, costs exclude managers' salaries in all models.

Value Added Tax

It is important to note that all figures are quoted exclusive of VAT and any profit related tax such as Corporation Tax.

Divisible balance

Divisible balance is the profit made before rent is deducted. It provides an indication of what rent might be asked for by the pub operating company. RICS guidance states that rents can be in the range of 35%-65% of divisible balance. However, many pub rent settlements are more typically in the range of 45%-55% of the divisible balance. All rents can be subject to negotiation by both parties.

The divisible balance is also dependent on the margins achieved on the selling price of drinks and food passing through the business. This can be higher or lower, depending on the arrangements offered by the pub operating company, the location and style of the business and the expertise of the tenant/licensee in obtaining the best return.

Interest on Capital

This is the interest payable on the tenant's invested capital and not the capital itself. This may include, for example, interest on consumables, purchase of the inventory, stock and working capital.

Community wet-led

c£5,000 turnover per week (90:10 drink/food)

All figures are weighted averages exclusive of VAT

	£
Total drinks sales	4,848
Total food sales	731
Total sales	5,579

Cost of drinks	2,279
Cost of food	238
Total cost	2,517

Gross profit	3,062
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54.9% Gross profit margin

% cost to turnover

Wages & salaries	1,098	19.7%
Rates	45	0.8%
Utilities	376	6.7%
Repairs & renewals	145	2.6%
Insurance	66	1.2%
Marketing/Promotion/Telephone	110	2.0%
Consumables	29	0.5%
Waste Disposal/Cleaning/Hygiene	67	1.2%
Professional fees	74	1.3%
Bank charges	47	0.9%
Equipment hire etc	5	0.1%
Interest on capital	27	0.5%
Pay TV (Sky, BT Sport etc.)	116	2.1%
Live music	60	1.1%
Other costs	58	1.0%

Total operating costs	2,321	41.6%
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Divisible balance	742	13.3%
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Gaming machine income	48
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See page 6 for details on excluded costs



APPENDIX 5 – COPY OF JAMES SLATER & CO CONDITION REPORT AND SCHEDULE OF REPAIR REQUIREMENTS

Condition Report and Schedule of Repairs



The Odd Fellows Arms
25 Main Street
Higham-on-the-Hill
Leicestershire
CV13 6AE

for

STOP Steering Group/Higham
CBS and A R Cartwright Ltd

James Slater & Company
Chartered Building Surveyors and
Architectural Designers
19 Dyer Street
Cirencester
Glos. GL7 2PP

Tel: 01285 650686
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CT21-361/RE/JSm

1.0 Introduction

We were instructed by Kate Philips of the STOP Steering Group/Higham CBS and Nicola Lea of A R Cartwright Ltd. to visit the Odd Fellows Arms in Higham-on-the-Hill to carry out an inspection and produce a condition report along with a schedule of repairs.

2.0 Inspection

The inspection was carried out by Rosanne Eardley MRICS IHBC and James Smith BSc Hons of James Slater and Company on Tuesday 7th December 2021. The weather was very cold and stormy. Access was provided by a representative of A R Cartwright Ltd.

3.0 Limitations and Assumptions

Although access to all areas was possible, the inspection was limited due a significant number of stored items on the ground floor. The lack of electricity and the boarded windows also meant that much of the property was inspected by torchlight. All the windows (with the exception of the attic windows), and all external doors (except the rear access door) were boarded so we could not check their operation properly.

We did not carry out testing of any of the services and we advise that you consult suitably qualified electricians, plumbers and heating engineers to confirm to what extent any of the services or bathroom fittings are salvageable and suitable for re-use. We also recommend that you obtain specialist advice on drainage.

For the purposes of the report, we have assumed all rooms will retain their existing use. We have not included fittings such as furniture or equipment

The Schedule of Repairs appended to this report sets out in detail the works we believe need to be carried out to bring the building back into use. The method of calculation for the following works is taken from BCIS cost data, day rates, and similarly costed projects. Please note that the cost of building materials is extremely volatile in today's market owing to the pandemic and Brexit. The figures given are based on current figures on the date of preparing this report.

In compiling this report, we have referred to the following documents:

- Archaeological Desk Based Assessment compiled by Archaeological Building Recording Services in September 2020.
- Asbestos Survey Report by Midland EPC, August 2019.
- Higham on the Hill Conservation Area Appraisal, Hinckley and Bosworth Borough Council, 2009.
- Measured Survey Drawings (layout and elevation), David Grainger Architectural Design Ltd., October 2019.

4.0 Description

It is understood that The Odd Fellows Arms building dates from 1791 and was originally built as two cottages. It was converted into one building in 1872 but did not open as a pub until 1874, after which it continued to thrive for well over 100 years until it eventually closed in 2018, lying empty ever since. The building occupies a prominent position, in the centre of the village, fronting onto the main street.

The oldest part of the building is a three-storey structure with the attic rooms built into the roof space, and a basement. It has a pitched roof with a ridge chimney to each gable end. It is constructed in red brick, although the front and side elevations have cement render, probably added during the second part of the 20th century. The original timber windows to the ground and first floor on the front elevation have been replaced with uPVC and were

boarded at the time of the inspection. The attic windows are replacement softwood timber framed casements. According to the Conservation Area Appraisal, windows in the village were traditionally Yorkshire (i.e. horizontal) sliding sashes or casements.

There is a two-storey flat roofed extension immediately to the rear of the older structure, with further single-storey flat-roofed extensions around the side and rear. These appear to be brick/block cavity wall construction with a built-up felt roof. There are uPVC rainwater goods to all elevations, which have replaced the original cast-iron gutters and downpipes that would have served the older part of the building originally.

Internally, the older section houses a bar and restaurant area either side of the central main entrance. A staircase would originally have risen up from what is now the bar servery area to the first floor where there are two bedrooms. The original staircase remains from the first floor up to the attic where there are two further bedrooms in the eaves. The original basement stairs are still in place although they have been blocked off at ground floor level.

The two-storey extension added a kitchen, bathroom, separate WC and living room to the first-floor accommodation, with a new staircase created for access. A doorway has been cut through the original external wall at first floor level to connect the original upper storeys to the new living accommodation. The ground floor of the two-storey extension houses the main commercial kitchen and the bar area. Further single storey extensions provide a large restaurant area to the rear, storage areas to the side off the commercial kitchen, and customer WCs to the other side.

Externally the car park extends around the back of the building. Immediately to the rear of the restaurant is an area that was previously decked to provide an outside seating area. Beyond the car park is a large, grassed area.

5.0 Setting and Location

Higham-on-the-Hill is a small village located between Nuneaton and Hinkley, not far from the A5, a historic route known as Watling Street, which dates back to Roman times and links London and Holyhead. Set in a predominantly rural location, there is easy access to the towns of Nuneaton and Hinckley, with Coventry and Leicester equidistant in opposite directions.

The Odd Fellows Arms lies within the Higham-on-the-Hill Conservation Area, designated by Hinckley and Bosworth Borough Council in 1995. The pub is mentioned in the Conservation Area Appraisal as one of the important local buildings remaining in the village. The Appraisal also notes that many other notable village buildings have been lost in recent times to residential development, including two other pubs, the railway station and the post office.

6.0 Condition

Considering the building has been boarded up and disused since 2018, it is in surprisingly good condition. It suffered a further set back recently when much of the heating system and pipework was stolen, leaving the building without a means of heating and with some water damage to the upper floors. The lack of heating, and poor ventilation due to the windows being boarded up, is contributing to condensation and associated mould growth on walls and ceilings. The condition of the building on an element-by-element basis is given below:

Roofs and Chimneys

The main pitched roof of the old building is in reasonable condition, having been replaced relatively recently, and no leaks were seen internally indicating any issues. However, the tiles have been identified in the asbestos report as asbestos cement. No immediate work

has been identified to this roof. However, you should be aware that any future work carried out to the tiles will not need to be done by a Licenced Contractor, but it will need to be done under controlled conditions in accordance with HSE guidance and any waste material will need to be disposed of as hazardous waste at a designated asbestos waste facility which will incur extra costs.

The two brick chimneys to the gable ends of the main house also appeared in reasonable condition, although it should be checked that they are properly capped off and ventilated to avoid a build up of condensation internally. The chimney on the rear flat roof has some mechanical damage with loose bricks to the top. There is also evidence of a leak in the bathroom below indicating that the flashing around the base of the chimney needs to be repaired.

The built-up felt flat roofs to the rear are generally in good condition, although there is some build-up of moss which should be cleared. The exception is above the rear door from the restaurant where the wall and roof have been damaged. This is causing significant water damage internally which needs to be addressed urgently.

Rainwater goods

There are some missing and mis-aligned rainwater goods. All fittings should be cleaned, overhauled and repairs carried out as soon as possible to reduce the risk of water ingress in the building.

Windows

The original windows to the older part of the house have been replaced – with uPVC to the ground and first floors, and softwood timber to the second floor. The modern sections of the building all have uPVC casements, some of which have been removed, presumably to allow the windows to be boarded externally. Most of the removed casements are still in the building, and there are some damaged glazing panels and seals. However, it is considered that the windows could be largely retained and overhauled in the short term until funds allow for the reinstatement of traditional timber windows.

Doors

While some internal doors are missing and others are in poor condition, some could be reused in the short term. Fully compliant fire doors are likely to be required in some locations (e.g., between the ground the first floors, and between the commercial kitchen and the customer-facing areas) in order to re-open the building to the public.

It was difficult to assess the external doors as all, except the one through the rear WC area, were boarded up. An inspection from the inside suggested that they could be brought back into use in the short term, but this would need to be checked once the boarding is removed.

Walls

With the exception of the damaged brick wall to the rear of the restaurant, the external walls are generally in good condition. The cement render to the front and side elevations of the original building is in poor condition and should be removed, although this does not necessarily need to be done immediately. You should note that the solid brick walls to the original part of the building will not have been constructed with a damp proof course, and retrospectively installing a chemical damp proof course is not recommended for buildings of traditional construction.

The internal walls are generally in reasonable condition, although some plaster repairs are needed, particularly on the upper floors of the original building. Mould is also an issue in the commercial kitchen and stores due to lack of ventilation.

The boarding to both fireplaces in the second-floor bedrooms has been identified in the asbestos report as containing asbestos. This is damaged and will need to be removed by a licenced contractor and disposed of as hazardous waste.

Floors

Due to the significant number of stored items on the ground floor, it was not possible to assess the floor condition in detail. The rear restaurant floor is very uneven and would need to be levelled and screeded before a new floor covering could be installed. The quarry tiles to the bar area look to be in reasonable condition, although these were covered by some stored steel beams which may well be causing damage. The vinyl flooring in the commercial kitchen and store are likely to require wholesale replacement for hygiene reasons. This area is badly ventilated and there is a mould problem on all surfaces.

There are some coverings to the upper floors which are showing signs of mould and damp. These should be removed as soon as possible to allow the timber floors to dry out and to minimise further damage. Some isolated timber repairs are required, but the upper floors are generally in good condition.

Ceilings

The ceilings are also generally in good condition, with the following exceptions. There is damage to the ceilings in the rear restaurant (where the roof and wall are damaged externally), in the first-floor bathroom (where there is a leak around the chimney stack) and on the first-floor landing of the old part of the house (where water damaged due to theft of pipework). The ceilings in the commercial kitchen are also badly affected by mould. This could probably be cleaned off in the short term, but may need to be replaced prior to any statutory hygiene inspections prior to reopening this area as a commercial kitchen.

Basement

The only access to the basement is via the original external hatch, now in the commercial kitchen, down steep stone stairs set within a barrel ramp. It is recommended that the basement is cleared of all stored items and debris and cleaned. All services should be isolated, capped off and/or removed. Lighting and ventilation should be installed to keep damp levels to a minimum.

Kitchen and Bathroom Fittings

The first-floor bathroom is fitted out as a domestic bathroom with separate WC. It may be possible to refurbish the sink and WC although it may prove more cost effective to replace them. The urinal system in the male customer WC has been removed entirely so will need replacement. There are three WCs in the female WC and one in the male WC, which may be reusable if cleaned up, but this needs to be confirmed by a plumber.

There is little equipment remaining in the commercial kitchen, and the amount of grease and mould in this area has led us to recommend wholesale strip out and replacement. It may be that a full commercial kitchen is not required, at least initially. It is also considered that the first-floor kitchen would need renewing completely. It should be noted that if the first-floor kitchen is to remain where it is currently, fire stopping would need to be installed as it currently opens (with no door) onto the only escape route from the 2nd floor.

Services

It is considered that upgrading the services is the most important, and probably the most costly work that needs to be carried out. It is likely that a complete rewire of the building is required, along with replacement of all light fittings. The plumbing will also need a complete overhaul as it is understood that much of the pipework has been stolen. We believe that some of the radiators may be reusable, although new boilers and pipework will be needed, and it may be cheaper to replace everything wholesale rather than refurbish some

radiators. Mechanical ventilation systems will also need a complete overhaul, and possibly complete replacement. Specialist advice should be sought from heating engineers/plumbers. A drainage survey is also recommended to understand where the drain runs go and what condition they are in.

The asbestos report notes that the boiler and fittings in the first-floor bathroom could not be tested for asbestos as it had not been isolated at the time of the inspection. This will need to be checked before the boiler is removed.

External Areas

The most urgent work required is removal of the plant growth around the edge of the building. This will be contributing to damp issues at low level and there is a danger that the roots could damage the base of the walls. Vegetation should be cut off flush with the wall and treated with herbicide rather than being ripped out, as this can damage the masonry.

The car park needs resurfacing, but this could be phased, rather than doing it all immediately. The decking has been removed from the rear seating area, so this will need to be reinstated before this area can be brought back into use. A retaining fence will be required around the edge to guard the drop to the car park.

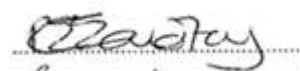
7.0 Conclusion and Recommendation

It is our opinion that the structure and fabric of the building are generally sound, and provided that some essential remedial work and maintenance is carried out in the short term, there is no reason why the building could not be brought back into use.

The following should be carried out urgently to prevent further deterioration:

- Remove all stored items.
- Clear vegetation from around the outside of the building.
- Remove all damaged/damp floor coverings.
- Improve ventilation by removing window boards, repairing windows and reinstalling a heating system.
- Carry out fabric repairs to include overhauling the rainwater goods and repairing roof leaks.

The costs of the schedule of repairs are set out in two columns: items required immediately, and items that will be required in the long term or are desirable but not essential. Some items in the second column supersede the items in the first column. The total project cost for the work required to the building has been calculated as £183,985.78 including contractor's overheads and profit, consultant's fees for design and supervision, and a £20,000 contingency. All figures exclude VAT.



.....
Rosanne Eardley MRICS IHBC

CT21-361

December 2021

Appendix A: Schedule of Repairs



APPENDIX 6 – COPY OF JAMES SLATER & CO BUDGETED REPAIR COSTS ESTIMATE

Building:	The Odd Fellows Arms	Building Status:	Freehold (assumed)
Year Built:	Possibly 1791 (with 20th century additions to the rear).	Surveyor:	Rosanne Eardley MRICS Matt Hutch MRICS James Smith
		Assessment Date:	7th December 2021, updated 10th March 2025

Group element	Element	Sub-element	Type	Priority	Action	Quant	Unit	Rate	Cost - Immediate (priority 1 items)	Cost - longer term/alternative (priority 2 items)	Comment
1 PREPARATORY WORK											
	1A Surveys										
		Drainage survey	Survey	1	Instruct survey and assess recommendations.	1	Item	£1,150.00	£1,150.00		
		Electrical inspection	Survey	1	Instruct inspection and assess recommendations.	1	Item	£750.00	£750.00		
		Heating and hot water investigation and design	Survey	1	Instruct survey and assess recommendations.	1	Item	£1,750.00	£1,750.00		Indicative cost for actual cost to obtain quotes from M+E engineer.
	1B Clearance and Strip out										
		Vegetation clearance	Strip out and clearance	1	Remove all vegetation from around the external base of the building and moss build-up from the flat roofs.	1	Item	£700.00	£700.00		Cost based on labourer day rate. Cost savings could be achieved by using community workforce.
		External clearance	Strip out and clearance	1	Clear out debris and stored items from enclosed area outside kitchen. Include to remove and dispose of damaged canopy roof over back door.	1	Item	£350.00	£350.00		
		Internal clearance	Strip out and clearance	1	Remove all stored items from within the building.	0	Item	£0.00	£0.00		Assumed to be done by current owner so no cost allowed.
		Internal strip out	Strip out and clearance	1	Isolate and strip out bathroom and kitchen fittings from 1st floor.	1	Item	£500.00	£500.00		
		Internal strip out	Strip out and clearance	1	Strip out and dispose of all carpet, vinyl and chipboard floor coverings as well as curtains.	1	Item	£3,000.00	£3,000.00		Cost based on contractor day rate. Cost savings could be achieved by using community workforce. Work needs to be done as soon as possible to allow damp sub-floors to dry out and reduce the risk of mould forming.
	1C Asbestos Removal										
		Asbestos removal	Strip out and clearance	1	Remove asbestos boards from both second floor bedrooms and dispose of as hazardous waste.	1	Psum	£900.00	£900.00		This must be done by a licenced contractor under the Control of Asbestos Regulations 2012. See asbestos report for further information.
2 EXTERNAL FABRIC											
	2A Roof and Chimneys										
		Chimney	Rear flat roof chimney	1	Take down and rebuild approx. 6 courses to top of chimney where it is damaged.	1	Item	£1,000.00	£1,000.00		There is evidence of a leak below this chimney in the 1st floor bathroom. Access will be required to check the exact nature of the leak. We recommend that a temporary repair is carried out here urgently to reduce further damage internally while works are being planned.
				1	Carry out lead flashing repairs around base of chimney. Access allowed for in section 6.	2	lm	£75.00	£150.00		
		Chimney	Disused chimneys	2	Install appropriate caps and ventilation to disused chimney flues, including internal ventilation grilles.	5	no	£145.00		£725.00	

Group element												
	Element	Sub-element	Type	Priority	Action	Quant	Unit	Rate	Cost - Immediate (priority 1 items)	Cost - longer term/alternative (priority 2 items)	Comment	
		Roof	Built up felt roof	1	Strip and recover felt roof over rear restaurant room. Include tapered insulation to required falls and Building Regulations Part L. Also include allowance to carry out repairs to mechanical damage to timber deck above door.	25	m2	£152.00	£3,800.00		It may be possible to carry out an isolated repair to the damaged corner in the short term and replace all the flat roof coverings when budgets allow.	
		Roof	Built up felt roof	3	Strip and recover all felt roofs over rear elevation. Include tapered insulation to required falls and Building Regulations Part L.	195	m2	£153.85		£30,000.00	You should budget to recover all flat roof in the next 5 years or so. Cost includes access.	
		Roof	Ridge tiles	2	Install ridge ventilation tiles to the main pitched roof.	3	No.	£83.33		£250.00	The roof space needs to be ventilated to reduce the risk of condensation. Mould growth on the underside of the ceiling in the roof space indicates that this is a problem.	
		Roof	Insulation	2	Install mineral wool insulation at joist level in the roof space to current standards.	2	m2	£50.00		£100.00		
	2B Rainwater Goods											
		Rainwater goods	Urgent repairs	1	Overhaul all gutters, replace missing and damaged sections; realign section to front elevation to correct falls and to ensure it does not obstruct the window.	98	lm	£56.07	£5,495.00		We recommend temporary repairs are carried out to gutters urgently to reduce water ingress and accelerated deterioration of fabric while other works are being planned.	
	2C External Walls											
		External walls	Brick walls	1	Take down and rebuild top 3 courses of the damaged wall by the rear restaurant door.	1	item	£300.00	£300.00		We recommend that this area is protected with a tarpaulin (or similar) as soon as possible to stop further water ingress and damage to the roof while other works are being planned. Works to include replacing damaged rainwater goods and fascia boards and repair flat roof, costs included elsewhere.	
		External walls	Cement render	1	Carry out minor repairs and redecorate cement render to front and side elevations.	184	m2	£28.67	£5,275.00			
		External walls	Cement render	2	Remove render from front and side elevation. Allow for repointing and isolated brick repair/replacement.	1	Item	£4,000.00		£4,000.00	This will alleviate damp issues internally. It is recommended that a test patch is removed to ascertain the level of adhesion to the brick beneath.	
		External walls	Lime Render	2	Re-render external walls with a lime-based render.	184	m2	£70.65		£13,000.00	If the bricks are in good condition when the cement render is removed, it may be preferable not to re-render. Any new render must be lime-based to reduce the risk of damp internally.	
	2D Windows and External Doors											
		Windows	uPVC Windows	1	Remove boarding from all windows and dispose of from site.	1	Item	£900.00	£900.00			
		Windows	uPVC Windows	1	Overhaul all uPVC windows to ensure all function properly. Include to reinstate casements that have been removed to allow window boarding.	52	Item	£45.19	£2,350.00		The existing windows need overhauling but are in serviceable condition. We believe they could be overhauled and used in the short term with a view to replacing with traditional timber longer term when funds allow.	
		Windows	uPVC Windows	1	Replace cracked, missing and blown glazing panes to uPVC windows.	6	No.	£175.00	£1,050.00			
		Windows	Timber Windows	1	Overhaul timber-framed windows to attic, including easing and adjusting opening casements, and timber repairs where rot has set into external frames. Replace cracked, missing and blown glazing panes to timber windows.	9	No.	£222.22	£2,000.00		The existing windows need overhauling but are in servicable condition. We believe they could be overhauled and used in the short term with a view to replacing with traditional timber longer term when funds allow.	

Group element		Sub-element	Type	Priority	Action	Quant	Unit	Rate	Cost - Immediate (priority 1 items)	Cost - longer term/alternative (priority 2 items)	Comment
	Element										
		Windows	Timber Windows	2	Remove all windows from front elevation and dispose of. Replace with new softwood timber casement windows.	8	No.	£656.25		£5,250.00	The original windows may have been timber sash or casement. Ideally new windows should match the original style, if evidence can be found. Cost is for softwood timber casements, which are generally cheaper than sash.
		Doors	Timber external doors	1	Allow to overhaul the front timber doors to the front porch. Rub down, carry out minor timber repairs and redecorate.	1	Item	£350.00	£350.00		
		Doors	External doors - various	1	Overhaul 4nr single and 1nr double external doors to include easing and adjusting, replacement ironmongery, stripping down and redecoration.	5	No.	£120.00	£600.00		The front door, the door to the rear restaurant, the kitchen door and the double door to the rear store were boarded and so could not be inspected in detail. It is assumed that they could be overhauled and brought back into use in the short term.
	2E External Landscaping										
		Surfaces	Timber decking	1	Supply and fit timber decking at the top of the disabled ramp by the rear door. Allow to include a hatch to permit access to the drains below.	6	m2	£29.17	£175.00		
		Surfaces	Timber decking	1	Supply and fit timber decking to area to rear of restaurant.	70	m2	£13.93	£975.00		
		Surfaces	Tarmac	2	Strip existing car park surface, level and relay with tarmac.	1030	m2	£92.23		£95,000.00	
		Fence	Timber	1	Supply and fit timber fence around perimeter of rear decking area. Include for timber steps up from the carpark, including handrail.	15	lm	£63.33	£950.00		
		Gates	Timber	1	Overhaul timber gate to enclosed yard outside kitchen door including escape ironmongery to allow it to be used as a fire escape.	1	Item	£300.00	£300.00		
	3 INTERNAL FABRIC										
	3A Walls and Ceilings										
	Ceilings	Lath and plaster walls and ceilings	1	Take down ceiling to first floor landing below water leak from 2nd floor tank, and replace with plasterboard.	5.3	m2	£51.89	£275.00		The floor coverings to the 2nd floor landing need to be removed to allow the floor and ceiling below to dry out before the extent of damage can be assessed. It may be possible to repair rather than replace this ceiling.	
	Ceilings	Lath and plaster	1	Carry out repairs to lath and plaster ceiling in 2nd floor bedroom and leave ready for decoration.	50	m2	£524.00	£26,200.00		Note further repairs may become necessary where ceiling paper is removed.	
	Ceilings	Plasterboard	1	Remove water damaged ceiling in 1st floor bathroom and replace with new. Skim and leave ready for decoration.	7.1	m2	£49.30	£350.00		Note: repairs to flat roof above must be carried out before ceiling is replaced to stop the water ingress.	
	Ceilings	Plasterboard	1	Take down plasterboard ceiling over bar serving area and replace with new. Skim and leave ready for redecoration.	6.2	m2	£51.61	£320.00			
	Ceilings	Fire-rated plasterboard	1	Supply and fit fire-rated plasterboard to the underside of the stairs in the commercial kitchen.	6	m2	£83.33	£500.00		30 or 60 minutes - will depend on the usage of the upper floors.	
	Ceilings	Plasterboard	1	Carry out a deep clean to the ceilings in the commercial kitchen and store areas to remove all mould.	58.89	Item	£2.55	£150.00		This needs to be done as soon as possible, in conjunction with improved ventilation to these areas, to arrest the mould growth.	
	Walls and ceilings	Plaster and plasterboard	1	Clean down and prepare all walls and ceilings to the upper floors for redecoration, including removal of wallpaper where damaged. Leave ready for decoration. Redecorate with 1 undercoat and two top coats.	282.2	m2	£8.86	£2,500.00		It may be possible to retain some lining paper where in good condition. Removal may cause damage to plaster walls in some locations.	

Group element		Sub-element	Type	Priority	Action	Quant	Unit	Rate	Cost - Immediate (priority 1 items)	Cost - longer term/alternative (priority 2 items)	Comment	
	Element											
		Walls and ceilings	Plaster and plasterboard	1	Carry out plaster repairs to walls and ceilings of the older part of the building including filling cracks to the plaster walls, and replacing sections of missing plaster.	102.8	m2	£8.75	£900.00		The plaster walls in the original part of the house will be lime and repairs should be carried out in a lime-based plaster. Further damage may become apparent when paper is removed.	
		Walls and ceilings	Plaster and plasterboard	1	Clean down and prepare all walls and ceilings to bar, restaurant, circulation areas and Female WC. for redecoration, including removal of wallpaper where damaged. Leave ready for decoration. Redecorate with 1 undercoat and two top coats.	343.15	m2	£8.74	£3,000.00		Quote based on GFA.	
		Walls	Plaster	1	Supply and fit hygienic wall cladding to walls and ceilings of the commercial kitchen and store areas.	180.35	m2	£29.11	£5,250.00		This is likely to be a requirement to meet hygiene standards if you plan to run a commercial kitchen.	
		Ceilings	Polystyrene	1	Remove the polystyrene tiles from the underside of the roof in the roof space over the 2nd floor.	1	Item	£115.00	£115.00		These tiles are preventing ventilation in the roof and as a result there is mould growth on the underside. They may also be a fire risk as polystyrene gives off noxious fumes when burnt. They should be removed initially from where they are visible in the loft space above the 2nd floor landing. We believe they may extend under the plasterwork along the entire roof. The rest of the tiles should be removed at the point at which the main roof needs to be recovered.	
		Ceilings	Loft hatch	2	Supply and install insulated, hinged loft hatch.	1	Nr.	£200.00	£200.00			
		Walls	Brick	2	Supply and install mini MVHR system in basement between rafters	1	Nr.	£1,200.00	£1,200.00		The basement needs to be ventilated to keep it dry and reduce the risk of condensation and mould.	
	3B Floors											
		Floor substrate	Screed	1	Level and re-screed floor to restaurant area, leaving ready for new floor covering.	92	m2	£32.61	£3,000.00		Items stored by current owner in this area need to be removed before full extent of damage can be inspected.	
		Floor substrate	Suspended timber boards	1	Carry out timber repairs to isolated damaged or missing sections of timber floors to upper floors. Include to replace water damaged floorboards and joists on 1st and 2nd floor landing and repairs to missing and damaged timber skirtings.	20	m2	£87.50	£1,750.00		Floor coverings on first and second floor landing need to be lifted as soon as possible to allow the floors to dry out thoroughly and reduce the risk of rot setting in. This cost may be reduced once the extent of damage can be assessed. Once all floor coverings are lifted on the upper floors, more areas of timber damage may become apparent. The discernible dip towards the front elevation on the first floor landing should be investigated once the floor coverings have been lifted to establish whether any remedial works are required.	
		Floor coverings	Quarry tiles	1	Thoroughly clean quarry tiles to front bar area and front door lobby. Carry out minor repairs where tiles are damaged.	21	m2	£14.29	£300.00		Once all floor coverings are lifted on the ground floor, more areas of quarry tiles may be exposed (e.g. WC corridor).	
		Floor coverings	Brick	1	Deep clean to brick floor in front porch. Include to lift and relay approx 25% where bricks are damaged.	0.5	m2	£500.00	£250.00			
		Floor coverings	Tile	1	Deep clean of tiled floor to male WC. Include for regrouting.	10.5	Item	£57.14	£600.00			
Floor coverings		Vinyl	1	Following removal of vinyl sheet from female WC floor (costed in Strip Out section above) prepare substrate for new floor covering. Supply and fit new vinyl suitable for wet environment and high traffic.	9.7	m2	£67.01	£650.00		It may be possible to retain the vinyl and clean it thoroughly. However, for hygiene reasons we recommend that it is replaced.		

Group element		Sub-element	Type	Priority	Action	Quant	Unit	Rate	Cost - Immediate (priority 1 items)	Cost - longer term/alternative (priority 2 items)	Comment	
	Element											
		Floor coverings	Vinyl	1	Supply and fit new vinyl sheet or tile to restaurant floor and WC corridor.	105	m2	£75.24	£7,900.00		Cost is for mid-range high traffic vinyl.	
		Floor coverings	Vinyl	1	Supply and fit new vinyl sheet to kitchen and store areas. Include for cap and cove skirting.	58	m2	£81.90	£4,750.00		Cost is for safety vinyl 3.5mm thick.	
		Floor coverings	Vinyl	1	Supply and fit new vinyl sheet to 1st floor kitchen, bathroom and WC.	16	m2	£53.13	£850.00		Floor coverings should not be fitted to the upper floors until all coverings have been lifted, and timber allowed to dry out where damaged by water leaks or condensation.	
		Floor coverings	Carpet	1	Supply and fit new medium quality carpet throughout first and second floor rooms and circulation areas. Include appropriate underlay.	100	m2	£52.50	£5,250.00		Floor coverings should not be fitted to the upper floors until all coverings have been lifted, and timber allowed to dry out where damaged by water leaks or condensation.	
	3C Internal Doors											
		Internal doors	Various	1	Remove all internal doors from the first and second floor rooms and dispose of. Supply and fit new timber doors including door furniture.	8	Nr.	£343.75	£2,750.00		Depending on the proposed use of the upper storeys some doors may need to be fire doors. The first floor could not currently be used as sleeping accommodation due to the distance from the nearest fire exit. Some doors may be able to be reused in the short term, depending on use. Others, such as the door to the first floor kitchen, are missing completely.	
		Internal doors	Fire doors	1	Supply and fit 2nr new fire door sets between the first floor stairs and the kitchen, and between the first floor stars and the restaurant.	2	Nr.	£875.00	£1,750.00		The current doors are fire doors and may be able to be overhauled to ensure they are compliant.	
		Internal doors	Various	1	Overhaul internal doors to the kitchen and store area.	6	Nr.	£115.83	£695.00			
	4 INTERNAL FITTINGS											
		4A 1st Floor Kitchen and Bathroom										
Bathroom fittings			Various	2	Supply and fit new bathroom fittings, to include WC, 2nr sinks, bath and electric over-bath shower.	1	Item	£2,895.00		£2,895.00	Replacement of like for like fittings has been assumed. Actual cost will depend on the intended re-use of this area. Plumbing costs are included in Services section below.	
Kitchen fittings		Various	2	Supply and fit new fitted kitchen to include worktops, sink and drainer, taps, and base/wall units.	1	Item	£4,650.00		£4,650.00	Replacement of like for like fittings has been assumed. Actual cost will depend on the intended re-use of this area. Plumbing costs are included in Services section below.		
4B Customer WCs												
		WC fittings	WCs	1	Bring 3nr female and 1nr male WCs back into use to include deep clean of wc bowls and cisterns; allow for new fittings (handles and seats) for all; minor repairs to cubicle walls and doors.	4		£1,012.50	£4,050.00		Plumbing reconnection costs included in Services section below. It may be more economical to replace the toilets in their entirety. This can also allow for upgrade to a dual flush cistern.	
		WC fittings	Urinals	1	Allow for deep clean, regrout urinal and fit new water tank and spreader pipework	1	item	£1,150.00	£1,150.00			
		Sink fittings	Sinks	1	Bring 1nr female and 1nr male sink back into use. Allow for deep clean of all fittings and new taps.	2		£175.00	£350.00		Plumbing reconnection costs included in Services section below.	
		Sink fittings	Sinks	2	Supply and fit new sink units to male and female WCs.	2	Item	£700.00		£1,400.00	ALTERNATIVE COST - for new units if existing ones prove to be beyond repair.	
4C Commercial Kitchen												
4D Bar												
	Bar top	Timber and brick	1	Supply and fit new timber top to bar serving area. Carry out repairs as necessary to the supporting brick piers.	9	Lm	£233.33	£2,100.00				

Group element											
	Element	Sub-element	Type	Priority	Action	Quant	Unit	Rate	Cost - Immediate (priority 1 items)	Cost - longer term/alternative (priority 2 items)	Comment
5 SERVICES											
	5A Electricity and Lighting										
		Electricity	Electrical Installation	1	Carry out remedial works as instructed by electrician in EICR.	1	PSum	£25,000.00	£25,000.00		Cost assumes complete re-wire is required. This is an estimate and fixed costs should be obtained from an electrician.
		Lighting	Internal lighting	1	Isolate and remove all light fittings to all public areas. Supply and fit replacement fittings to these areas.	56	m2	£17.41	£975.00		This is an indicative cost prices can vary depending on type of fitting used.
		Lighting	Internal lighting	1	Isolate and remove all light fittings to the first and second floor rooms. Supply and fit replacement fittings to these areas.	19	m2	£18.42	£350.00		
		Lighting	Internal lighting	1	Isolate and remove all light fittings to the kitchen and store areas. Supply and fit replacement fittings to these areas.	40	m2	£17.38	£695.00		
		Lighting	External lighting	1	Replace external lighting	4	nr	£68.75	£275.00		
	5B Heating and Hot Water										
		Boilers	Central Heating boilers	1	Isolate and remove from site boiler serving the upper floors. Supply and fit new boiler to current regulations.	1	nr.	£6,950.00	£6,950.00		
		Boilers	Central Heating boilers	1	Isolate and remove from site boiler serving the ground floor. Supply and fit new boiler to current regulations.	1	nr.	£6,950.00	£6,950.00		
		Pipework	Central heating pipework	1	Supply and fit new central heating pipework throughout the building.	348	m2	£88.92	£30,945.00		
		Heat appliances	Radiators	1	Refurbish existing radiators where possible	15	nr.	£63.33	£950.00		We think it may be possible to re-use some of the radiators, subject to overhaul and checking by a heating engineer. We have assumed that 50% of the radiators may be re-usable.
1				Supply and fit new radiators where existing are beyond repair.	15	nr.	£123.33	£1,850.00			
Heat appliances	Woodburning stove	2	Open up fireplace in the bar area. Allow to sweep chimney, install new stainless steel flue and wood burning stove to current regulations.	2	nr.	£4,625.00		£9,250.00	Further investigation is needed to establish the extent of work required to re-open the chimney in the bar. Installation of a woodburning stove would require certification by a HETAS-registered installer or Building Control certification. Costs can only be indicative at this stage.		
5C Ventilation											
	Air Handling	Air handling units	2	Overhaul ventilation system to the restaurant area.	1	Item	£290.00		£290.00		
	Ventilation	Extract system	1	Deep clean, service and thorough overhaul of the kitchen extract system.	1	Item	£290.00	£290.00		The extract in the kitchen is badly clogged with grease and is likely to be beyond repair.	
	Ventilation	Extract system	2	Isolate and strip out kitchen extract system and dispose. Supply and fit new, including connection and commissioning.	1	Item	£1,750.00		£1,750.00	ALTERNATIVE COST: for replacement system.	
	Extract	Extraction fans	1	Supply and install mechanical extract in the male and female WCs, and the 1st floor bathroom and WC.	4	nr	£162.50	£650.00			
5D Fire Safety Equipment											
	Fire alarm system	Fire alarm system	2	Install a zoned fire alarm system.	1	Item	£6,950.00		£6,950.00	The type of system required will depend partly on usage. It is recommended that a system is installed which allows flexibility for potential different uses for the upper floors, unless this is known up front.	
6 ACCESS											
	6A Access and scaffolding										
		Scaffolding and Cherry picker access	Allow to erect scaffolding where required	1	Provisional sum for access and scaffold	1	Item	£5,790.00	£5,790.00		This nominal figure entirely depends on the extent of works required

Group element		Sub-element	Type	Priority	Action	Quant	Unit	Rate	Cost - Immediate (priority 1 items)	Cost - longer term/alternative (priority 2 items)	Comment
	Element										

Total ex VAT	£188,815.00	£175,510.00
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Contractors overheads & profits	10%	£18,881.50	£17,551.00
Design & contract admin	10%	£18,881.50	£17,551.00
Contingency	15%	£28,322.25	£26,326.50
Grand Total ex VAT		£254,900.25	£236,938.50

APPENDIX 6 - Marketing Report (Everard Cole)

MARKETING REPORT

**Oddfellows Arms,
25 Main Street,
Higham on the Hill,
Leicestershire,
CV13 6AE**

11th September 2019



1- BACKGROUND

1.1 Instructions were received in September 2018 to provide marketing advice in relation to the above freehold public house. The pub had been occupied under a tenancy agreement for the previous 6 years and the tenant had given notice to the Landlord of her intention to leave the premises due to personal issues. We conducted a full inspection on 24th September 2018.

1.2 At the time of inspection, the tenant had ceased trading and the property was closed. Whilst no trading information had been provided by the tenant, verbal indications suggested business was

exceptionally poor and the meagre trade derived from the village was insufficient to make the pub a viable business. The tenant had agreed to leave the property during the course of the 1st week in October 2018.

2 - LOCATION

2.1 The Oddfellows Arms is located on the Main Street in the village of Higham on the Hill. Higham is a village and civil parish in the Hinckley and Bosworth district of Leicestershire. The village is approximately three miles away from both Hinckley and Nuneaton. The parish (and the boundary between the East and West Midlands) is bounded by Warwickshire and the A5 to the south-west.

3 - PROPERTY

3.1 The Oddfellows Arms is a three storey, detached property of painted, rendered elevations beneath a pitched tiled roof, with two and single storey extensions to the side and rear beneath flat roofs.

3.2 The accommodation briefly comprises a front entrance porch leading to Bar area, with bar servery, quarry-tiled floor, upholstered perimeter seating, open fire and darts throw; Restaurant/lounge bar with seating for approximately 52 covers, bar servery and upholstered perimeter and free-standing seating. A corridor provides access to the Ladies & Gents W.C.s and the rear car park.

3.3 The pubs ancillary areas include a commercial catering kitchen, wash up room and freezer/fridge store room and ground floor beer cellar.

3.4 The domestic accommodation is located over the upper floors and briefly comprise -1st floor: Lounge, Kitchen, bathroom with separate W.C. and two bedrooms. 2nd Floor - two double bedrooms.

3.5 The Pub has substantial outdoor areas that briefly comprise a car park to the side with parking for c. 12. The larger main rear car park provides parking for a further 40 or so vehicles with a perimeter lawned beer garden, with picnic bench seating for approximately 40. The pub also benefits from a raised decking area and covered smoking shelter to the rear and an outdoor drinking area to the front with picnic bench seating. The pub also benefits from an enclosed private rear yard with storage sheds.

4 - REPAIR

4.1 At the time of the initial inspection the property appeared in fairly average condition. The ground floor trading areas were reasonably clean and of traditional decoration, although the appointments were extremely dated, old fashioned and in need of refurbishment and modernisation.

4.2 Externally, the property was quite tired and dated. There was evidence of render coming away from the brick work that required remedial action and the whole exterior was in need of a redecoration and repainting. The rear car park surface was in poor condition that will require attention and the lawned area, and outdoor area in general, looked unkempt and in need of attention.

4.3 The upper floors were untidy and cluttered, in a poor state of decoration and repair. Despite being held on a Fully Repairing and Insuring (FRI) Lease, the property was in poor repair and suffered from years of neglect and lack of investment by the tenant.

4.5 A matter of days after the tenant had moved out of the premises (around the 5th October 2018), the property suffered a break-in where significant amounts of copper piping was removed and stolen by thieves. The majority of the piping came from the property's heating and water system and its removal resulted in the water in the system cascading through the property, causing some flooding and significant water damage to the walls, floors and ceilings of the first and ground floors. As a result of the substantial damage, the property required significant remedial investment to get the property both habitable and able to trade. Whilst we did not conduct a building survey on the property it was apparent work was required in the following areas –

- a) Remedial repair to ensure a working and safe electrical wiring system.
- b) Water pipework reinstated and fully working.
- c) Re-plastering to the water damaged/damp areas around the Restaurant, Bar and internal Corridor; upper floor ceiling and floors.
- d) Remedial repair and renewal of the heating system to be in fully working order.

5 - PLANNING

The local authority is Hinkley and Bosworth Borough Council.
2017 Rateable Value - £12,000.
We are advised that the property is not Listed.

6 - MARKETING SUMMARY

6.1 Marketing commenced on the 26th September 2018, initially offering a new Free of Tie (FoT) Leasehold interest and approaches were made to known pub, restaurant, leisure and commercial retail operators.

6.2 This was supported by the distribution of sales particulars (see Appendix a), to our comprehensive database of potential purchasers, known leisure operators and commercial retailers.

6.3 A for sale board, advertising a 'New Free of Tie Lease', was erected on 28th September 2018, (see Appendix D).

6.4 From the point of instruction, until completion in August 2019, the property was prominently featured on the everardcole.co.uk website and advertised on a number of 3rd party property-sale media outlets and websites, including the following -

Pub & Bar Magazine online
www.businessesforsale.com
www.propertylink.estatesgazette.com

www.movehut.co.uk
www.findmypub.com
www.commercialpeople.com
www.zoopla.co.uk
www.realla.co.uk
www.daltonsbusiness.com

6.5 In addition to the widespread 'e-marketing' the pub was advertised in The Morning Advertiser, the leading specialist fortnightly pub sector trade magazine (see Appendix C). The Morning Advertiser is distributed to c.30,000 licensees of quality independent freehold outlets, as well as tenanted and leased pubs and pub company head office buyers with direct purchasing responsibility across England and Wales. The pub also featured on the *MorningAdvertiser.co.uk*, which is the UK's leading on-trade website used by over 140,000 unique users per month. The property was advertised throughout the various websites for a total of 11 months.

6.6 The pub was marketed as 'Rental Offers Invited', with a *guide rent* of £35,000pa (excluding VAT), although all interested parties were advised and encouraged to consider rental offers with a 'staggered' or graduated rent, commencing with a rent free period, to be built up incrementally to the market rent over a period of months.

6.7 As the business had ceased trading and the previous tenant had not provided any accounts or trading information, a significant premium was not envisioned and the only cost an incoming purchaser was expected to pay was the value of the Fixtures and Fittings. Whilst a formal inventory valuation had not been carried out at that stage, the value was not expected to be more than approximately £2-3,000.

6.8 The various promotion and advertising generated a total of 37 requests for further information from operators interested in continuing the property in some licensed form (i.e. continuance of a pub or restaurant etc). However, the succeeding interest was poor with only two of those requesting formal viewings. The common feedback received suggested that a pub of that size could not be supported alone by the immediate population of the village.

6.9 During the course of the marketing, a total of 15 viewings were conducted on the property, with only two of those parties interested in continuing licensed use.

6.10 None of the parties, outside of the local Parish representatives, believed the property could be viable as a pub and all parties interested in keeping the property a licensed outlet were considering significantly altering the trading profile of the business, primarily by converting to a restaurant. We received a number of enquiries from people looking at converting the property into an Asian or Indian themed restaurant. Numerous parties suggested the business could only work as a drive-to destination outlet, although the location, the absence of a significant population density and lack of visibility didn't warrant the investment required to recommence trading.

6.11 Although the new leasehold interest was being offered, the marketing did generate far greater interest from parties seeking to acquire the freehold. The damage caused by the break-in and the unsolicited approaches to acquire the freehold, led the vendor to consider selling the freehold interest

and the marketing strategy was amended in late October 2018 to incorporate the potential to acquire the freehold. Initially by simply stating “Freehold Option Available” on the sales details, but thereafter by producing separate sales particulars specifically relating to the sale of the freehold interest, (see Appendix B). The marketing continued on a ‘dual’ basis, offering both the freehold and leasehold interests for sale until the sale completed in August 2019.

6.12 One offer for the freehold was received from a party interested in continuing as a licensed venue. Following negotiations, a revised offer was received and accepted in November 2018. Solicitors were instructed to progress a sale. We understand the prospective purchaser intended to invest substantial sums into the property to create a pub-restaurant.

6.13 The Oddfellows was only ever marketed as a public house, albeit one that had recently ceased trading. Everard Cole are a firm of specialist surveyors in leisure and licensed premises and we were instructed to undertake specialist marketing in that sector. Although the marketing was specifically targeted towards continued licensed and leisure use, the vast majority of *serious* interest came from parties seeking various alternative uses.

7 – ASSET OF COMMUNITY VALUE

7.1 The pub was nominated as an ACV in October 2018, by the Parish Council. The nomination was approved and the initial moratorium and Full Moratorium were subsequently triggered. The Council failed to send confirmation of the received nomination to the vendor and so notice from the owner to dispose of the property was only sent in December 2018.

- Name of asset: The Oddfellows Arms, 25 Main Street, Higham on the Hill, CV13 6AE
 - Reference: HBBC/ACV2/2018
 - Date valid nomination received: 12.10.2018
 - Date of council decision: 10.12.2018
 - Boundary map of asset: LT241271
 - Date of ACV list until: 09.12.2023
 - Nominee: Higham on the Hill Parish Council
 - Reason for listing: Community facility
 - Notice from owner to dispose S95(2) received: 17.12.2018
 - Interim moratorium end date (six weeks from notice): 28.01.2019
 - CIG bid: Yes
 - Full moratorium end date (six months from notice): 04.07.2019

Source: https://www.hinckley-bosworth.gov.uk/info/200327/property_searches_under_eir/1244/property_information_-_con29r_39_to_315/5

7.2 As stated in 6.11 an offer was accepted and solicitors instructed to progress a sale of the freehold interest. However, the revelation of the ACV nomination elicited consternation and anxiety in the purchaser and subsequently led to the purchaser withdrawing from the deal. The purchaser’s proposed acquisition was underpinned by the potential alternative use value of the land, should the business fail again, and the imposition of the ACV generated significant doubt that it could be realised.

7.3 The resultant ACV moratorium severely hampered the sale of the property. In addition to the party above, the debilitating effect of the ACV, in preventing the vendor from transacting with any other party during the period of moratorium, caused at least one other potential purchaser to find alternative premises.

7.4 Despite the vendor having numerous meetings with local representatives, the nominating Parish made no discernible attempt to raise the required funding required to acquire the freehold.

8 - CONCLUSION

8.1 The had been marketed from September 2018 to August 2019 as a new leasehold opportunity and from October 2018 to August 2019 with a freehold option. As detailed above, despite the marketing of the Oddfellows being specifically targeted towards continued licensed and leisure use, the vast majority of *serious* interest came from parties seeking various alternative uses.

8.2 A number of factors surrounding the property severely restricted the interest in it for continued licensed use –

- The poor trading history of the previous tenant clearly illustrated the dangers of operating such a business.
- The damage caused by the break-in and the high cost of both remedial and refurbishment of the entire property.
- The quiet village location and absence of a significant population density severely limits the trading potential of the business.

8.3 The property's characteristics and location necessitate it to be heavily reliant upon destination type custom attracted for food. Given the range of competing public houses/pub-restaurants and other community facilities situated in the local district, the sustainability of the Oddfellows would present significant challenges and uncertainties for any operator.

8.4 Despite the marketing generating a number of interested parties, virtually all operators doubted the property could provide a satisfactory return on, (i) the required capital investment; (ii) the risks of investing in the proposition; and (iii) the required entrepreneurial endeavour necessary for a party to acquire and operate a rural public house with a low resident community.

APPENDIX A



Oddfellows Arms, Higham on the Hill

Leasehold for Sale
Rental Offers Invited



For viewing and further information contact:



Jon Heald
0115 824 6442
07941 814719
jon@everardcole.co.uk

At a Glance

- NEW FREE OF TIE LEASE AVAILABLE
- THREE STOREY DETACHED PUB/RESTAURANT
- BAR, RESTAURANT AND 4 BEDROOM DOMESTIC ACCOMMODATION
- LARGE CAR PARK FOR APPROX. 50 CARS
- OUTDOOR DECKED BEER TERRACE AND GARDEN
- FREEHOLD OPTION AVAILABLE

Oddfellows Arms, 25 Main Street, Higham on the Hill, Leicestershire, CV13 6AE



Location

The Oddfellows Arms is located on the Main Street in the village of Higham on the Hill. Higham is a village and civil parish in the Hinckley and Bosworth district of Leicestershire. The village is approximately three miles away from both Hinckley and Nuneaton. The parish (and the boundary between the East and West Midlands) is bounded by Warwickshire and the A5 to the south-west.

Property

The Oddfellows Arms is a three storey, detached property of painted, rendered elevations beneath a pitched tiled roof, with two and single storey extensions to the side and rear beneath flat roofs. The accommodation briefly comprises a front entrance porch leading to Bar area, with bar servery, quarry-tiled floor, upholstered perimeter seating, open fire and dart throw; Restaurant/lounge bar with seating for approximately 52 covers, bar servery and upholstered perimeter and free-standing seating. A corridor provides access to the Ladies & Gents W.C.s and the rear car park.

The pub's ancillary areas include a commercial catering kitchen, wash up room and freezer/fridge store room and ground floor beer cellar.

The domestic accommodation is located over the upper floors and briefly comprise -1st floor: Lounge, Kitchen, bathroom with separate W.C. and two bedrooms. 2nd Floor - two double bedrooms.

The Pub has substantial outdoor areas that briefly comprise a car park to the side with parking for c. 12. The larger main rear car park provides parking for a further 40 or so vehicles with a perimeter lawned beer garden, with picnic bench seating for approx 40. The pub also benefits from a raised decking area and covered smoking shelter to the rear and an outdoor drinking area to the front with picnic bench seating. The pub also benefits from an enclosed private rear yard with storage sheds.

Utilities

We are advised that all mains services are connected to the property.

Planning

We are advised that the property is not Listed. Prospective purchasers are advised to make their own enquiries to Hinckley and Bosworth Borough Council.

Tenure

All offers are invited for a new Free of Tie commercial lease. The new lease will be either 10 or 20 years, on a Fully Repairing and Insuring basis with 5 yearly upward only reviews and annual RPI increases.

Fixtures & Fittings

Fixtures and fittings are included in the purchase price.

Trading Figures & Turnover

Our client is not in occupation and therefore no trading information or accounts are available.

Business Rates

(based upon Rateable Value: £12,000 and UPR: 48.0p)

Rent

Rental Offers Invited





Everard Cole for themselves and for the vendors or lessors of this property whose agents they are give notice that: (i) the particulars are set out as a general outline only for the guidance of intending purchasers or lessees, and do not constitute, nor constitute part of, an offer or contract; (ii) all descriptions, dimensions, references to condition and necessary permissions for use and occupation, and other details are given without responsibility and any intending purchasers or lessees should not rely on them as statements or representations of fact but must satisfy themselves by inspection or otherwise as to the correctness of each of them; (iii) in respect to the employment of Everard Cole Limited has any authority to make or give any representation or warranty whatever in relation to this property.

APPENDIX B



Oddfellows Arms, Higham on the Hill

Freehold for Sale
Offers Invited



For viewing and further information contact:



Jon Heald
0115 824 6442
07941 614719
jon@everardcole.co.uk

At a Glance

- TOTAL SITE AREA APPROX 2.5 ACRES
- THREE STOREY DETACHED PUB/RESTAURANT
- BAR, RESTAURANT AND 4 BEDROOM DOMESTIC ACCOMMODATION
- LARGE CAR PARK FOR APPROX 50 CARS
- OUTDOOR DECKED BEER TERRACE AND GARDEN

Oddfellows Arms, 25 Main Street, Higham on the Hill, Leicestershire, CV13 6AE



Location

The Oddfellows Arms is located on the Main Street in the village of Higham on the Hill. Higham is a village and civil parish in the Hinckley and Bosworth district of Leicestershire. The village is approximately three miles away from both Hinckley and Nuneaton. The parish (and the boundary between the East and West Midlands) is bounded by Warwickshire and the A5 to the south-west.

Property

The Oddfellows Arms is a three storey, detached property of painted, rendered elevations beneath a pitched tiled roof, with two and single storey extensions to the side and rear beneath flat roofs. The accommodation briefly comprises a front entrance porch leading to Bar area, with bar service, quarry-tiled floor, upholstered perimeter seating, open fire and dart throw; Restaurant/lounge bar with seating for approximately 52 covers, bar service and upholstered perimeter and free-standing seating. A corridor provides access to the Ladies & Gents W.C.s and the rear car park.

The pub's ancillary areas include a commercial catering kitchen, wash up room and freezer/fridge store room and ground floor beer cellar.

The domestic accommodation is located over the upper floors and briefly comprise -1st floor: Lounge, Kitchen, bedroom with separate W.C. and two bedrooms. 2nd Floor - two double bedrooms.

The Pub has substantial outdoor areas that briefly comprise a car park to the side with parking for c. 12. The larger main rear car park provides parking for a further 40 or so vehicles with a perimeter lawned beer garden, with picnic bench seating for approx 40. The pub also benefits from a raised decking area and covered smoking shelter to the rear and an outdoor drinking area to the front with picnic bench seating. The pub also benefits from an enclosed private rear yard with storage sheds.

Utilities

We are advised that all mains services are connected to the property.

Planning

We are advised that the property is not Listed. Prospective purchasers are advised to make their own enquiries to Hinckley and Bosworth Borough Council.

Fixtures & Fittings

Fixtures and fittings are included in the purchase price.

Trading Figures & Turnover

Our client is not in occupation and therefore no trading information or accounts are available.

Business Rates

(based upon Rateable Value: £12,000 and UPR: 48.0p)

Price

Offers invited





Everard Cole for themselves and for the vendors or lessors of this property whose agents they are give notice that: (i) the particulars are set out as a general outline only for the guidance of intending purchasers or tenants, and do not constitute, nor constitute part of, an offer or contract; (ii) all descriptions, statements, references to condition and necessary permissions for use and occupation, and other details are given without responsibility and any intending purchasers or tenants should not rely on them as statements or representations of fact but must satisfy themselves by inspection or otherwise as to the correctness of each statement; (iii) in respect to the employment of Everard Cole Limited has any authority to make or give any representation or warranty in relation to this property.

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Public House • Investment • Development • Restaurant • Alternative Use



APPENDIX C



Cambridge
01223 370055

Nottingham
0115 8246442

 JOLLY BREWERS 5 FEN ROAD, MILTON, CAMBRIDGESHIRE, CB24 6AD • Attractive Grade II Listed pub with many characterful features. • Central village position very close to Cambridge North station. • 4 ensuite letting rooms. Reconstituted OP consistently in the region of £100,000 p/a. FREEHOLD OIRO £895,000 Tel Cambridge 01223 370055	 SWAN KING STREET, IPSWICH, SUFFOLK, IP1 1EG • Prime position within Ipswich a stone's throw from the market square. • Locally renowned music venue which has hosted Ed Sheeran and Mumford & Sons. 1am licence Friday-Saturday. • Refurbished internal trade areas with gated courtyard for c. 44 covers. NEW 'NIL PREMIUM' LEASE – RENTAL OFFERS INVITED Tel Cambridge 01223 370055	 PRICE REDUCTION LINCOLNSHIRE POACHER 11 DOUBLE STREET, SPALDING, LINCOLNSHIRE, PE11 2AA • Attractive Listed property occupying town centre, riverside position. • Characterful internal trade areas with commercial kitchen. • Large 8-bedroom domestic accommodation which could be split to provide letting rooms (stn c). FREEHOLD OIRO £255,000 Tel Cambridge 01223 370055
 CARPENTERS ARMS 10 HIGH STREET, GREAT WILBRAHAM, CAMBRIDGESHIRE, CB21 5JD • Excellent unopposed village position 8 miles from Cambridge. • 80 internal covers – bar, lounge and restaurant – and 25 parking spaces. • Planning consent granted for new single residential dwelling to the side of the pub (REF: S/0561/18/FL). FREEHOLD OIRO £550,000 Tel Cambridge 01223 370055	 RED LION MIDDLE STREET, DUNSTON, LINCOLNSHIRE, LN4 2EW • Beautiful character 17th century stone-built pub/restaurant set in affluent village. • Public bar, 2-roomed lounge bar and large restaurant with 5 bedroom letting accommodation Lodge. FREEHOLD OIRO £350,000 Tel Nottingham 0115 8246442	 ODDFELLOWS ARMS 25 MAIN STREET, HIGHAM ON THE HILL, LEICESTERSHIRE, CV13 6AE • New Free of Tie Lease, 3 storey detached pub/restaurant set in 0.9 acres (approx). • Large car park, beer terrace and garden. Freehold option available. NEW 'FREE OF TIE' LETTING – RENTAL OIRO £35,000 P/A Tel Nottingham 0115 8246442



For more information call us on
01223 370055 or 0115 8246442
or email info@everardcole.co.uk
www.everardcole.co.uk



@EverardCole

APPENDIX D



APPENDIX 7 – Purchase Offers

Timeline of meetings, emails and letters correspondence with STOP/Higham CBS	
Date	Summary
15/06/2020	Offer from Kate Phillips (KP at STOP of £265,000 for the full site Cartwright's to assess offer.
11/08/2020	Offer is not accepted as Cartwrights feel is doesn't reflect the true value of the site. Nicola Lea (NL) gave STOP the opportunity to submit a revised offer and asked for further information on current monies available and if not available then timescales involved in raising funds, professional report showing estimated refurbishment cost and working capital requirement – what had been secured and what was still needed.
03/09/2020	GoFundMe page has raised £599 out of a target of £5k
13/09/2020 14/09/2020	email from KP 'It was agreed that we still want to purchase the pub and site as described in our previous communication with the existing level of provision for parking and outdoor amenity space' NL response to KP - if are looking to secure the pub site in its current state with all of the land within which it sits then any offer must be substantially higher than the £265,000 already made.
30/11/2020	Application 20/01065/HYB validated
02/12/2020	Email to KP from NL. The planning application is now up and running. There is an updated version of the building conditions survey of the pub. This should be a good starting point for any indicative refurb costs. Also included in our submission info is a copy of a report from Fleurets – Report Concerning The Economic Viability of Sustaining a Public House. NL highlighted that this would be a good report for the steering group to look at, as it details both the current conditions of the pub and also potential costs of up upgrading, repair and refit based on BCIS costs. Costs attached are; ○ £375,000 have been allowed in order to put the building and pub back into a condition suitable to trade. ○ The report allows a figure of £275,000 as a purchase price. ○ Figures of £3,250 for Stamp Duty, ○ £5,000 for acquisition costs ○ £5,000 to secure a new Premises Licence.

	Any new purchaser of the Oddfellows would need access to funds of circa £665,000 in order to acquire the property and put it into a condition fit for trading. NL asked KP to confirm they have access to this level of funds and if not, how are they to be raised and how long this will take. What monetary provisions/allowance have STOP made for ongoing running and maintenance costs of the Oddfellows. This info will allow Cartwrights to assess the credibility of any offer put forward by STOP.
21/01/2021	email from KP to NL – they 'consider the estimate to be significantly overstated, which is why we would like access to carry out our own.
20/04/2021	email from NL to KP- regarding the value of this site if it were to be sold on a freehold basis in the current market and therefore suggest that a value of £245k is appropriate
03/03/2022	Letter sent to KP via email and post. Copy letter attached .
25/03/2022	NL email to KP - As put to you and STOP before, we would be looking at a figure of £240,000 for the land and building
13/05/2022	NL, KP and HBBC meeting to take place.
01/03/2023	All parties meeting arranged at HBBC between STOP/Cartwrights/Pegasus Planning/Higham PC/HBBC planners
09/06/2023	KP email to NL - figure of £195,000 submitted.
03/07/2023	NL email to KP - Many thanks for sending through your offer on this and apologies for the delay in responding to this. We have carefully considered your offer, however, in this instance this is not at a level where we would be inclined to accept this.
24/07/2023	KP email to NL - The more recent valuation suggests a market value of £220,000 for the area under discussion with the pub buildings and surrounding area in their current state. We would like to progress our discussions with you on that basis to secure a reasonable and fair purchase price for the site you have said you would sell to us.
16/11/2023	NL email to KP - Unsure where the offer of £220,000 has come from. It is not an offer that has been put forward to me or Cartwrights. When we first started discussing the sale of the pub and land, we did have discussions around a figure of £240k/£250k mark. This was based upon a smaller site (less car parking area). After a meeting and discussions with you

	and members of STOP, Cartwrights increased the site area to reflect your requirements and we advised you that this would in effect 'cost more' because of the additional land you required. we are still very much open to further discussions with STOP about the purchase of this land and pub building.
06/12/2023	KP email to NL - <i>£220,000 offer</i>
06/12/2023	NL email to KP – application has been refused by HBBC
13/03/2024	Application 24/00229/FUL validated
24/11/2024	KP email to NL - <i>£250,000 offer</i>
26/11/2024	NL email to KP – offer would not have been accepted for a number of reasons including the offer not including the additional land required.



BUILDING CONTRACTORS

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3rd February 2020
Ref: ARC/NL/RK/9425/2020

For the attention of Mrs. K Phillips
Secretary 'Save the Oddies' Steering Group

Re: The Oddfellows Arms, Higham on the Hill

Dear Kate,

Many thanks for your time when you, Mr Phillips and Mr Wilkinson came to meet with us on Wednesday 18th December 2019.

There were a number of points raised and I am now able to come back to you and address these.

- 1) In respect of the ACV, this remains as a charge on the land for 5 years, but we have had notification from Hinckley & Bosworth Borough Council in respect of the moratorium process and this formally came to an end on the 4th July 2019.
- 2) We discussed the 'value' of the pub and figures of £250k/£275k were mentioned by you as a figure of money that could be raised in order to purchase the site to keep this within the community. However, having gone back through the file I can confirm that the previous owner paid a sum of £265k back in 2010. We are 10 years on from this date and this is no longer a realistic commercial figure for the purchase of this property.
- 3) We have checked the contract clause/details you mentioned to us when we met on the 18th December 2019 and I can confirm that we are happy with the wording and that there is nothing onerous regarding this.

We would like to take this opportunity to explain the position we are in and our plan going forward.





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When Cartwrights purchased the property in 2019, the pub had already been closed for 12 months. We have looked at a number of various development scenarios

regarding the redevelopment of the site, taking on board your comments for retention. There are a number of key points to note regarding this.

- 1) We have had a full Building Condition Survey completed by a firm of local Chartered Surveyors & Rural Business Consultants.
- 2) To bring the building up to current building regulation standards in order to provide a space for community and public use requires a refurbishment that runs into hundreds of thousands of pounds. This refurbishment cost added to the purchase of the building does not make for a viable business opportunity.
- 3) We have also looked into the possibility of retaining the pub building and refurbishing this for residential use. The removal of the low grade extensions to the rear and the side would affect the stability of the building itself, coupled with the inability to provide current building standards. The building has been poorly maintained and now is at a stage where every area of the building requires attention. Even if extensive work was carried out, the building has inherent failures in terms of thermal efficiency, structure failure, and dampproofing. Any refurbishment would run into unviable figures to provide a satisfactory living condition.

Having exhausted the ability to reuse the building, we have looked at the issues relating to the demolition of the building. This is not a decision we have taken lightly as we recognise that it is a prominent building within the village, however, the building's condition resultant of a lack of maintenance in recent years and through a number of unsympathetic modifications to the façade indicates that redevelopment is the only viable option.

Allied to the condition and needing to comply with modern statutory regulations, we feel that we are able to offer a highly sympathetic and accurate replacement building that is in keeping with the rural vernacular style of the village. Our primary objective is





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to provide a modern living environment, whilst reflecting the presence the building once had in the character of the traditional Higham on the Hill streetscene.

We are also proposing a number of additional residential properties within the site, which we believe will help to enhance the character of the conservation area in which it sits, replicating cottages to the east of the site and stopping the generic housebuilding to the west of the site.

I have attached a copy of our proposed layout for the site along with the streetscene so you can have a look at our proposed plans for the site.

If you would like to meet with us once you have had the chance to look through our plans, we would be more than happy to meet again to go through these in more detail.

I look forward to hearing from you at your earliest convenience.

Yours sincerely

Mrs Nicola Lea BSc (Hons)
Land Manager



LANDSCAPE SPECIFICATION

• (Green only) Use to be retained (green trees shown green)

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To be used in conjunction with Topographical Survey by S.V. Sturges Ltd. Drawing No. 16289-19-0000

Schedule of Accommodation (Approximate)

Plot 1	3 Bedrooms	1075 sq ft
Plot 2	3 Bedrooms	1075 sq ft
Plot 3	3 Bedrooms	1075 sq ft
Plot 4	3 Bedrooms	1075 sq ft
Plot 5	3 Bedrooms	1075 sq ft
Plot 6	3 Bedrooms	1075 sq ft
Plot 7	3 Bedrooms	1075 sq ft
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Plot 98	3 Bedrooms	1075 sq ft
Plot 99	3 Bedrooms	1075 sq ft
Plot 100	3 Bedrooms	1075 sq ft

All sizes sq ft ±. Approximate figures intended to guide only. For detailed figures and notes refer to previous drawings.

Revisions : A David Granger

Figure dimensions shown to be taken to preference to avoid dimensions

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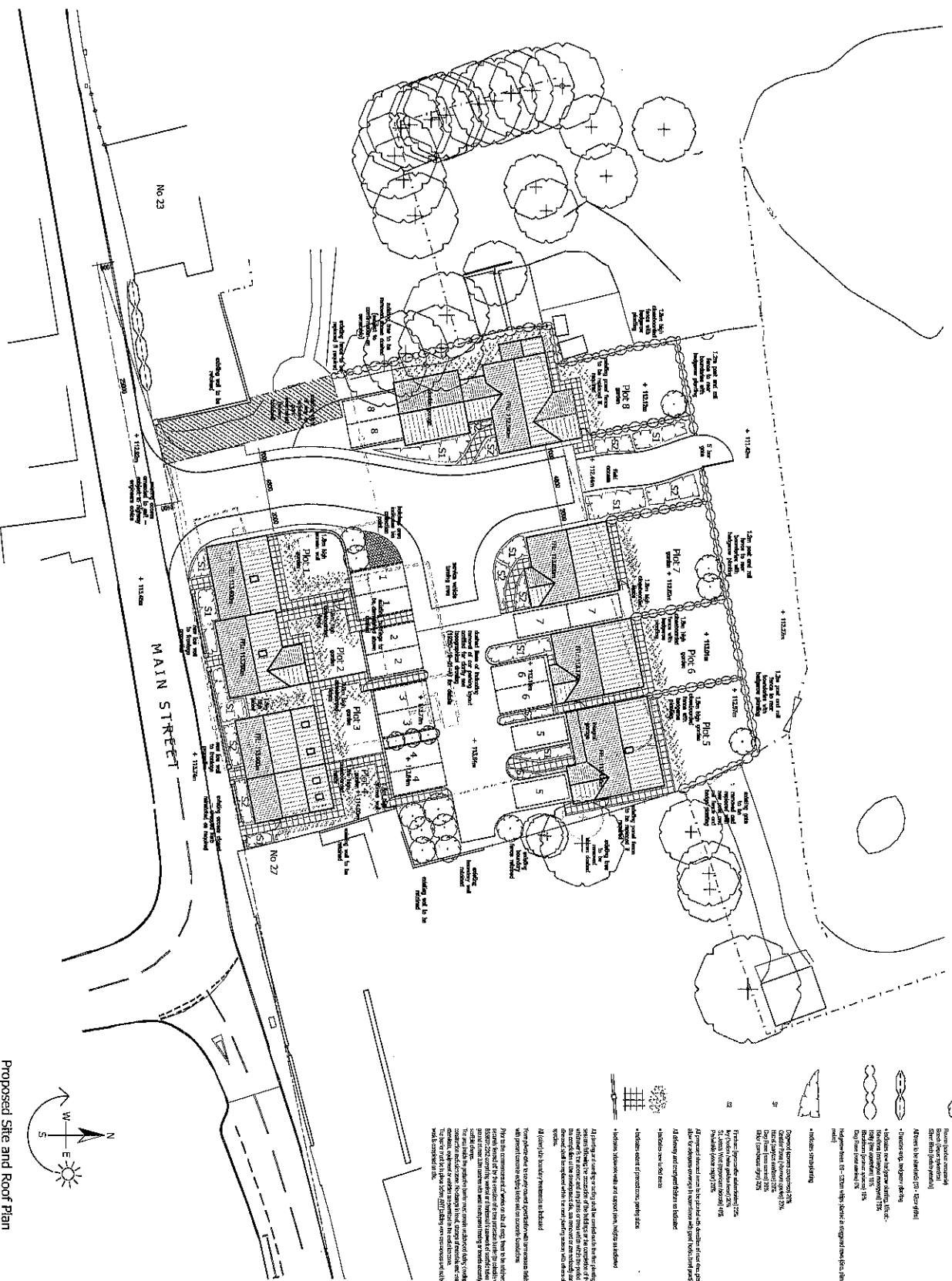
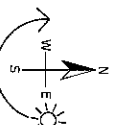
DETAILED PLANNING PROPOSALS

PROPOSED RESIDENTIAL DEVELOPMENT - LAND AT ODFELLOWS ARMS - HIGHAM ON THE HILL - LEICESTERSHIRE

Proposed Site and Roof Plan

Scale 1:200

0 1 2 3 4 5 6 7 8 9 10 Metres



DAVID GRANGER
ARCHITECTURAL DESIGN LIMITED

Proposed Residential Development
Land at Odfello's Arms
Higham on the Hill
Leicestershire

Detailed Planning Proposals
Sheet 1 of 9

Client
AR Development Ltd

Drawing No.
19.3765.15 A

Issue
November 2018

Drawn by
AS

Checked by
AS

The Old Cottage Hospital, Leicester Road,
Aldbrough-le-Zouche, Leicestershire, LE65 0DB

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Email: enquiries@cartwrighthomes.co.uk

Website: www.cartwrighthomes.co.uk

3rd March 2022

Ref: ARC/JH/NL/9717 2022

For the attention of Ms K Phillips

Secretary – S.T.O.P/Higham Community Benefit Society Ltd
39 Nuneaton Lane
Higham on the Hill
Nuneaton
CV13 6AD

Without Prejudice

Dear Kate,

Re: Odd Fellows Arms, Higham on the Hill

Following the publication of the independent costings report and conditions report dated January 2022, produced by James Slater following their joint instruction by ourselves and STOP, in December 2021, I write to formally ask you and the group you represent to share information with A.R Cartwright Ltd regarding your current level of funding.

I write to ask you to please let us have details of any grants or community funds that you have applied for, the dates on which you applied for these, the outcome of these applications and what funds you have secured through these applications?

We would also welcome information on your community fundraising initiatives and to what level funds have been secured for this – most notably the GoFundMe account, Easyfundraising and the shares/pledge system which has been set up.

A copy of the most recent balance sheet, noting assets and liabilities, for Higham Community Benefit Society Ltd, which is a requirement under the FCA, is also requested.

We would also be interested in viewing a copy of your business plan regarding your proposals for the Odd Fellows Pub. Having gone back through my file, I note our first meeting was on 18th December 2019, and therefore given the passage of time between then and now, we assume that a business plan exists and that it is well advanced.

This would allow A.R Cartwright Ltd the opportunity to assess the financial credibility of the group you represent and whether there is a genuine prospect of the group being able to finance the purchase, the refurb and the running of this property as a community facility.



I look forward to receiving a copy of this information within the next 14 working days in the hope that we can find a solution to moving this forward.

I look forward to hearing from you at your earliest convenience.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nicola Lea'.

Mrs Nicola Lea BSc (Hons)
Land Manager

Mobile: 07941 619529

CC. Matthew Bowers – HBBC, Director (Environment and Planning)