



Appeal Decision

Site visit made on 4 August 2016

by **D R Cullingford BA MPhil MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 August 2016

Appeal Ref: APP/N1350/W/16/3149166

The Kings Arms Hotel, Great Stainton, Stockton on Tees, TS21 1NA

- This appeal is made under section 78 of the Town and Country Planning Act 1990 against refusals to grant planning permission and Listed Building consent.
 - The appeal is by Mr C G Robinson against the decision of the Darlington Borough Council.
 - The applications (ref: 15/00410/FUL and 15/00411/LBC, respectively, both dated 1 October 2015) were refused by notice dated 12 November 2015.
 - The development is described as:
 - the 'demolition of restaurant building and erection of 3 No. dwellings', and
 - the 'demolition of restaurant building to Kings Arms Public House and erection of 3 No. dwellings'.
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Decision

1. I dismiss this appeal.

Main issue

2. From what I have read and seen, I consider that this appeal turns on whether the proximity of the proposed dwellings to the Kings Arms Public House, and its associated uses, would be likely to impair the peace and quiet that prospective residents might reasonably expect to enjoy in a small hamlet such as this.

Reasons

3. Great Stainton is a tiny place; barely 2 dozen dwellings are grouped around 'the Green' at a junction with Elstob Lane and a 'dog-leg' in Glebe Road. All Saints Church stands apart from the village amidst fields and farmland: the Kings Arms Public House (a Grade II Listed Building) lies opposite 'the Green' at the heart of the settlement. It is an attractive structure. The core of it is judged to be early C18 and is a 2-storey cottage-like building beneath a steep pantiled roof. There is also a single storey side extension of mainly C19 origin (but with some late C20 additions to the side and rear) which has served as a restaurant and accommodates the toilets; the late C20 additions are explicitly cited as being of no special interest.
 4. The proposal entails the demolition of the single storey 'restaurant' building and its replacement with 3 terraced dwellings, each with 2 bedrooms. These would be 2-storey structures, similar in height to the Public House but set at a lower level to maintain a lower roof line. The façades would be pleasantly simple and a small gap would separate the dwellings from the 'original remnant' of the Kings Arms. Car parking would be behind the small rear gardens of the proposed dwellings and amidst the public house car park, with access between the
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eastern-most dwelling and the back gardens of a row of 3 recently permitted (but as yet uncompleted or unoccupied) detached houses.

5. I appreciate that this public house has operated amongst residential property for nigh on 3 centuries. But it seems to me that no existing resident would be quite as prone to any noise and activity emanating therefrom than the prospective residents here. The 3 dwellings proposed would be very close to the Kings Arms itself, adjacent to the rear yard there, immediately in front of the fairly extensive car park and beside its access road. The comings and goings at the front of the building would be evident, the noise of activities in the rear yard (discarding empty bottles and the like) would be apparent, the starting of car engines, the banging of car doors and the manoeuvring of vehicles in the rear car park would be heard as well as the entrance and exit of vehicles over the access road. Although occupants of the adjacent cottage to the west have not complained, the Environmental Health Officer indicates that complaints about noise have been received from residents of a dwelling to the rear. His professional experience leads him to advise that potential landlords at the public house would 'find it almost impossible to operate the business without adversely impacting on the amenity of residents in the proposed dwellings'. In the circumstances that apply here, I agree.
6. In my view the main difficulty is that the proposed dwellings would be largely immersed amongst uses associated with the public house. The relationship of the Kings Arms to all existing properties is different. The adjacent cottage to the west also lies beside garden land to the north and residential properties to the west and south. Similarly, the new houses to the east stand beside or opposite dwellings on 3 sides, namely to the north, east and south. Only the 3 dwellings proposed here would be almost surrounded by uses in, or associated with, the Kings Arms. Hence, I doubt that the noise condition imposed on the permission for the recently permitted dwellings to the east would necessarily suffice in relation to the current scheme. More stringent controls might be required and the involvement of the Environmental Health Officer might need to become more frequent. Indeed, it seems to me that the advice from Echo Affiliates would imply just that. The Statutory Nuisance provisions of the Environmental Protection Act may well provide enforcement powers to address significant future noise from the public house, but a 'statutory nuisance' must be demonstrated first. Control by such a mechanism would imply a seriously adverse impact on residential amenities and might well lead to the curtailment of any potential success for the Kings Arms. For those reasons I consider that the proximity of the proposed dwellings to the Kings Arms and its associated uses would be likely to impair the peace and quiet that prospective residents might reasonably expect to enjoy and contravene the requirements of policy C16 of the Darlington Core Strategy DPD (2011).
7. I have considered all the other matters raised. I do not agree that the scheme would properly reflect the statutory duty to carefully consider the desirability of preserving the setting of Listed Buildings, (under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990). Although the façades of the proposed dwellings would be commendably simple, they would be 2-storey structures and, as such, compete with the public house as a main focus across the Green in this part of the settlement, thereby detracting from the setting of the C18 building. Nor am I entirely convinced by the financial information submitted. In the absence of detailed figures, the rents assumed to be required for the public house with, and without, the attached restaurant seem somewhat

notional, given that the appellant actually owns the building. Nevertheless, even taken at face value, I find neither those figures, nor anything else, sufficiently compelling to alter my conclusion that this appeal should be dismissed.

David Cullingford
INSPECTOR

