

entrance, are also non-designated heritage assets.

3.2 **Proposal**

The application seeks the demolition of the former public house. No plans for the future use of the site have been submitted.

3.3 **Relevant planning history**

06/2018/0846 – Demolition of former public house – Application Withdrawn.

06/2016/1157 – Prior notification submission for demolition of public house – Application Withdrawn.

Other relevant history

Following its closure on 30th September 2016, the Boars Head Inn was added to the City Council's list of Assets of Community Value (ACV) on 31st January 2017. The ACV covered the former public house and surrounding land to the rear, including the former car park. This decision was reviewed in April 2017 and in October 2017, both times a decision was made to retain the listing of the asset.

On 17th December 2018 the Boars Head Inn and surrounding land was removed from the ACV list as the physical fabric of the building has continued to deteriorate and there has been no compromise between the Barton Heritage Group and the owners on what a reasonable sale price for the property might be. As such, it was concluded that there is no realistic prospect of the building remaining an asset of community value.

3.4 **Planning Policy Framework**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The Development plan comprises:

Adopted Central Lancashire Core Strategy

Policy 16 – Heritage Assets

Policy 25 – Community Facilities

Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies)

Policy AD1(a) – Development within (or in close proximity to) the Existing Residential Area

Policy AD1(b) – Small scale development within Existing Villages

Policy EN8 – Development and Heritage Assets

Policy ST2 – General Transport Considerations

Policy WB1 – Protection of Community Facilities

Other Material Considerations:

National Planning Policy Framework (The Framework)

National Planning Practice Guidance (NPPG)

3.5 Consultation responses

County Archaeology – No objection subject to a condition for an archaeological watching brief for any works below ground level.

County Highways – No objection but note that there is a public right of way close to site which must not be obstructed during any proposed development.

Environmental Health – No objection.

Greater Manchester Ecology Unit – No objections subject to conditions relating to protected species.

Barton Parish Council – Object to the application, the points of which are summarised as follows:

- Heritage assessment inadequate as undertaken prior to the fire;
- The building is locally listed and important to the character of Barton Village;
- Raise concerns that the demolition of the building is not justified by the National Planning Policy Framework as it would lead to the loss of a local heritage asset without plans to ensure a new development of benefit to the community;
- Question how the applicant has assessed the cost of repairing the building when they indicate they have been unable to access it; and
- The removal of asbestos from the site does not require demolition.

Ben Wallace MP – Objection. The proposal would lead to the total loss of the non-designated heritage asset without adequate justification and without any future plans for the re-development of the site.

Publicity – A total of 67 representations from 54 respondents have been received of which 53 raise objection and 1 response neither objects nor supports the scheme. The objections raised can be summarised as follows:

- Loss of local heritage asset;
- Impact on setting of adjacent listed church and neighbouring School House;
- Loss of community facility, as shown by the willingness of a local group efforts to purchase the property;
- Loss of key part of the villages character; and
- Potential impact on public right of way.

Other matters were raised but do not relate to material planning considerations and so will not be considered.

3.6 Analysis

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development that affects a listed building or its setting “special regard” will be given to the “desirability of preserving the building or its setting or any features of special architectural or historic interest which it

possesses.”

Policy 16 of the Adopted Core Strategy aims to protect and seek opportunities to enhance the historic environment, heritage assets and their settings by safeguarding heritage assets from inappropriate development that would cause harm to their significance; support development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk; and identifying and adopting a local list of heritage assets.

Policy EN8(a) of the Adopted Local Plan 2012-26 states that proposals affecting a heritage asset or its setting will be permitted where (amongst other things) they:

- i. Accord with national policy on the historic environment and the relevant Historic England guidance;
- ii. Take full account of the information and guidance in the Council’s Conservation Area Appraisals and Management Plans and other relevant policy guidance on the historic environment;
- iii. Make a positive contribution to the character and local distinctiveness through high quality new design that responds to its context;
- iv. Act as a catalyst for the regeneration of the area in accordance with the Council’s objectives for regeneration;
- v. Are accompanied by a satisfactory Heritage Statement that fully explains the impact of the proposal on the significance of the heritage asset; and
- vi. Sustain, conserve and, where appropriate, enhance the significance of the heritage asset itself and the surrounding historic environment and where they have consideration to the following:
 - a) The scale, layout and appearance to the heritage asset and its setting; and
 - b) The proposed use of the heritage asset being appropriate in relation to its significance.

Policy EN8(b) states that proposals involving the total or substantial loss of a heritage asset or the loss of the elements that contribute to its significance will be refused. Proposals will only be granted in exceptional circumstances where they can be clearly and convincingly justified in accordance with national planning guidance on heritage assets. In addition to the requirements of national policy applicants will be required as part of the justification process to provide evidence that:

- i. Other potential owners or users of the site have been sought through appropriate marketing where the marketing includes the offer of the unrestricted freehold of the asset at a price that reflects the buildings condition; and
- ii. Reasonable endeavours have been made to seek grant funding for the heritage assets conversion; and
- iii. Efforts have been made to find charitable or public authorities willing to take on the heritage asset.

Policy EN8(c) states that where the loss of the whole or part of a heritage asset is approved this will be subject to an appropriate condition or planning obligation to ensure that any loss will not occur until a contract is in place to carry out a replacement

development.

The Framework seeks to protect the historic character of listed buildings from inappropriate development. Paragraph 189 of the Framework states that applications must be supported by sufficient information to assess the impact of the scheme on the significance of the heritage asset, including the contribution made by their setting. Paragraphs 193-194 of the Framework emphasise that great weight should be given to the conservation of heritage assets and that the significance of an asset can be harmed by development within its setting. Paragraph 127 of the Framework states that developments should respond to local character and history, and reflect the identity of local surroundings and materials. Paragraphs 194-195 of the Framework state that any harm requires clear and convincing justification and substantial harm or loss requires specific justification based on substantial public benefits or meeting specific criteria.

Paragraph 197 of the Framework states that 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 the non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 198 of the Framework goes on to state that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. Paragraph 191 states that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

Loss of the non-designated heritage asset

A Heritage Statement (HS) dated April 2019 has been submitted which assesses the impact of the proposal, however it assesses not just the demolition of the Boars Head but also the erection of 6no. dwellings. The current application only seeks consent for the demolition of the Boars Head and does not include any proposals for development at the site. The HS identifies the Boars Head as being present on site since at least 1829 when it appeared on the Hennets Map of Lancashire. The HS notes the building offers evidence of a potential 17th century dwelling and there is evidence of settlement on the site within this area of the village. The HS however argues that the additions and alterations to the building have eroded the significance of this heritage asset along with the deterioration of the property since it closed. The HS however concludes that the Boars Head provides evidential value of a past social centre as a result of its former use as a Public House.

The application is also accompanied by a Planning Statement which states that the former Boars Head public house is now considered to be ruined following a fire in the premises and the deterioration of the building's condition since the former use ceased. The applicant argues permission should be granted based on their submitted structural report finding that the building is past the point of repair and not commercially viable for conversion. The Planning Statement provides an estimated rebuild cost but does not include any details on how the figures presented were reached. The structural report notes the building is unsafe

and recommends that the whole building be demolished. The submitted structural report was not however undertaken by a suitably qualified Structural Engineer and therefore cannot be relied upon as an assessment of the buildings condition.

Even if the above referred to structural report was to be accepted as valid, paragraph 191 of the Framework is clear that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. The submitted reports note the poor state of the building and an awareness of the deteriorating state of the building due to water ingress and other factors, however no action appears to have been taken to address these issue or safeguard the building, as such the level of deterioration appears to be due to neglect. In accordance with paragraph 191 of the Framework the deteriorated state of the heritage asset cannot be taken into account in any decision where it is considered that this as a result of deliberate neglect and as such it cannot be taken as a reason to justify the building's demolition.

Additionally, the submitted Planning Statement does not seek to address the criteria listed in Policy EN8(b) to justify the demolition of the heritage asset, instead arguing that the loss is justified by the condition of the building. No evidence has been submitted to suggest that a) the site has been appropriately marketed; b) the marketing included the offer of the unrestricted freehold; and c) the asking price reflects the building's condition at the time. The Planning Statement contains no evidence that points ii) and iii) of Policy EN8(b) (namely that attempts have been made to secure grant funding for the buildings conversion and efforts made to find charitable or public authorities to take on the asset) have been addressed or attempted.

In summary of the above, it is considered that the Boars Head makes a positive contribution to the street scene and character of the area and its removal with no alternative proposed scheme, included as part of this application, would be harmful to both. Furthermore, the proposed development would result in the complete loss of the non-designated heritage asset and there is no evidence to show how the future development of the site can be balanced with the loss of the heritage asset. There are public benefits to be had from retaining the heritage asset due to its evidential value. The proposed demolition is contrary to the above policies.

Impact on setting of designated heritage assets

The submitted Heritage Statement does not assess the impact of the removal of the non-designated heritage asset on the setting of the adjacent Church of St Lawrence which is grade II listed. The HS notes that the church has a significant amount of value and also indicates that the Boars Head predates the current church, which replaced a chapel in 1896. The information provided within the HS indicates that the Boars Head has always formed part of the setting of the Church of St Lawrence, however the loss of the Boars Head on the setting of the Church of St Lawrence is oddly not assessed within. The Planning Statement does however argue that a cleared site with open views towards the Church of St Lawrence represents an improvement over the Boars Head which is in a poor state of repair.

In addition to the adjacent grade II listed St Lawrence's Church, the School and attached School House north of the application site, on the opposite side of the church entrance, are also non-designated heritage assets. Historically both the Boars Head and School, and attached School House, would have provided the setting for the Church of St Lawrence. However, the Boars Head has undergone significant modern alterations to expand the former business which have detracted from this significance. The extensive alteration mean the building has little resemblance to the original pub that would have formed part of the setting of the church. As such the loss of the building, even if undamaged, would not negatively impact upon the setting of the adjacent grade II listed church, which was lost through the alterations to the building.

Summary

The Framework is clear that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. As the application does not contain any future proposals for the site, there is no evidence to suggest future development would occur on the site. As such, the proposal fails to comply with Policy 16 of the Adopted Core Strategy, Policy EN8 of the Adopted Local Plan and Paragraphs 191, 197 and 198 of the National Planning Policy Framework, as well as Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on community facilities

Policy 25 seeks to ensure that local communities have sufficient community facilities provision by resisting the loss of existing facilities by requiring evidence that they are no longer viable or relevant to local needs.

Policy WB1 of the Adopted Local Plan 2012-26 states that the loss of community facilities will be permitted where it can be demonstrated that the use no longer serves the need of the community, adequate alternative provision has been made, or is already available, in the local area, the use is no longer financially viable or there is an amenity or environmental reason why the facility is no longer acceptable.

The Boars Head Inn closed in September 2016 after a period of poor trading and declining footfall. The Planning Statement highlights the provision of alternative eating/drinking provision at The Pickled Goose (formally The Sparling), a bar and restaurant within 0.1 miles of the site, and community meeting space at Barton Village Hall within 0.6 miles of site. The Council notes other alternative eating/drinking provision is available in Barton in the form of The Walled Garden, a restaurant, located 0.1 miles north of the application site. Further afield, the Barton Bangla Brasserie is located 0.6 miles north of the site and Guys Thatched Hamlet, an eating and drinking complex adjacent to the Lancaster Canal and The Roebuck public house are located 1.6 miles north of the site. Heading south, The Broughton Inn; and Broughton & District Club are located 1.5 miles away. As such, it is considered there is adequate alternative eating and drinking provision within Barton and the surrounding area.

Following its closure the Boars Head Inn was added to the City Council's list of Assets of Community Value (ACV) on 31st January 2017. Following the submission of the 2018 planning application, a request was made for the City Council to review the ACV status of the site. On 17th December 2018 the Boars Head Inn and surrounding land was removed from the ACV list as the physical fabric of the building continued to deteriorate and there had been no compromise between the Barton Heritage Group and the owners on what a reasonable sale price for the property might be. As such, it was concluded that there is no realistic prospect of the building remaining an asset of community value.

As such, given the period of time that has elapsed since the public house closed, the range of alternative provision in the surrounding area and the removal of the Boars Head Inn from the ACV list, it is considered the loss of the community facility would comply with Policy 25 of the Adopted Core Strategy and Policy WB1 of the Adopted Local Plan 2012-26.

Ecology

Policy 22 of the Core Strategy seeks to protect and find opportunities to enhance and manage the biological and geological assets of the area through certain measures, such as promoting the conservation and enhancement of biological diversity, having particular regard to the favourable condition, restoration and re-establishment of priority species and populations and seeking opportunity to conserve, enhance and expand ecological networks.

Policies EN10 and EN11 of the Adopted Local Plan seeks to safeguard protected species from the adverse effects of development unless the benefits of development outweigh the need to maintain the population of the species in situ. Policy HS3 of the Adopted Local Plan requires appropriate provision of green infrastructure within residential developments based on the size of the development.

The applicant has not submitted any ecology information for the site. The Greater Manchester Ecology Unit were consulted and are satisfied that the survey submitted with the 2018 application remains relevant but note that bats are mobile creatures and recommend an informative detailing the protection to bats. They recommend a condition restricting works during bird nesting season, should permission be granted.

Other issues

There is a Public Right of Way which crosses the site and the County Highways have indicated that this should not be blocked or obstructed during or post development without the necessary diversion or stopping order in place.

A number of objections were received stating access to the pub car park was blocked and the car park was used by the adjacent church. The use of the car park and subsequent vehicular access is a civil matter and therefore cannot be considered as part of this application.

3.7 Value Added to the Development

The scheme was determined as submitted.

3.8 **Conclusions**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.

Objections have been received in relation to the proposed demolition and have been fully considered as part of the analysis of the proposal where they relate to planning matters. The proposal would result in the total loss of a non-designated heritage asset without any future plans for the redevelopment of the site in place. The proposal therefore fails to comply with the relevant provisions of the Central Lancashire Core Strategy, the Preston Local Plan 2012-2026 (Site Allocations & Development Management Policies), the National Planning Policy Framework and there are no material considerations which outweigh this finding. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application is recommended for refusal.

3.9 **Recommendation**

Refusal.