



**Town and Country Planning Act 1990**  
**Enforcement Appeal Statement**

Address: The Cabinet,  
High Street,  
Reed,  
Royston,  
Hertfordshire.  
SG8 8HA

Alleged Breach: Without Planning Permission, the change of use of a public house to a residential dwelling house.

Planning Inspectorate Reference: To Be Advised

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**Preamble:**

1 Mark Cotton will say:

2 I am Mark Cotton. I am a Chartered Architect with over 15 years' experience of designing developments for sites in locations in all parts of the United Kingdom. I am familiar with the site which is the subject of this appeal. I am Director of Architecture & Design Services, a RIBA Chartered Architectural practice.

**Introduction:**

3 This Appeal is against the Enforcement Notice served by North Herts District Council on Mr Richard K Newman of The Cabinet, Reed.

**The Site:**

4 The Cabinet is located on High Street, Reed, Hertfordshire within the Reed Conservation Area. It is included within the Statutory List of Buildings of Special Architectural or Historic Interest and is grade II listed. Both the building and the area are Designated Heritage Assets for the purposes of applying the aims of Section 12 of the National Planning Policy Framework (NPPF).

5 The building is described in the list entry as:

*Public house. Late C17 or early C18, extended C19 and C20. Timber frame on brick base. Weatherboarded. Steeply pitched tiled roof. Originally 2 bays, extended by 1 bay to left with further additions at both ends. 2 storeys. Ground floor: entrance to left of original centre, recessed plank door in architrave with dentilled and bracketed hood, to left two 3 light small pane flush frame casements, to right one of 2 panes, all with hoodboards. First floor three 2 light small pane casements. Coved eaves. Cross axial ridge stack at original left end, part rebuilt. To rear a C19 continuous lean-to outshut behind main range and first added bay, weatherboarded and rendered. Rendered upper part of rear wall on main block with some comb pargetting. Short C20 gabled addition to left end, set back slightly. 1 storey mid C20 addition to right end with an entrance. Beyond this to right a C19 weatherboarded and slate roofed outbuilding with 2 doors to front. Interior: chamfered axial bearer, stop chamfered fireplace lintel.*

6 It would appear that The Cabinet has been a public house for a considerable part of its history and is identified by name on the Ordnance Survey of 1878. The name derives from a small, private room used for retreat or study but will probably have also drawn on connotations to the political sense of the word.

- 7 The Cabinet was marketed by its previous owners since at least July 2011 but had received only limited interest as A3 Use none of which were successfully concluded. This comprised 27 viewings with various parties including agents for a pub group, developers and restaurateurs and some of which were interested only in residential redevelopment of the site.
- 8 The property was put up for auction in a state of semi-refurbishment in October 2015 by the previous owners and the Appellant, being the only bidder despite the Parish Council being given a first option under a license scheme, purchased the building for £375,000 plus VAT.
- 9 Having occupied the premises soon after purchase, the applicant was informed, by the Local Planning Authority, that works carried out prior to his ownership and during his attempts to complete the refurbishment required Listed Building Consent and that, if he intended to use the property solely as a Dwelling House, a Planning Application would also be required for Change of Use.
- 10 The Appellant has subsequently lodged a number of Planning and Listed Building Consent Applications in an effort to regularise the situation, these are detailed below.
- 11 The Cabinet represents the Appellants only living accommodation.

**Planning History:**

- 10 A Planning Application for Change of use from A4 (Public House) to C3 (single dwelling) (ref: 16/02113/1) was submitted on 22<sup>nd</sup> August 2016
- 11 A Listed Building Consent Application (ref: 16/02129/1LB) for the retention of internal and external alterations, in association with conversion from Public House to single residence, was lodged on the 24<sup>th</sup> August seeking to regularise the unauthorised works.
- 12 Both applications were validated on 2<sup>nd</sup> September 2016.
- 13 A further Listed Building Consent Application (ref: 17/01524/1LB) for the Retention of insulated vaulted ceilings to the games room at ground floor and across the first floor following removal of horizontal ceilings at first floor was submitted on 13<sup>th</sup> June 2017 and validated 24<sup>th</sup> July 2017.
- 14 Planning Application 16/02113/1 was refused at Committee on 21<sup>st</sup> July 2017, despite having officer support, and the following reason given to support the refusal:

*“In the opinion of the Local Planning Authority the change of use of these premises to residential use would lead to the loss of a valuable community facility, the last public house in the village of Reed. The change of use therefore conflicts with the requirements of paragraphs 28 and 70 of the*

*National Planning Policy Framework and Policy ETC7 of the North Hertfordshire Submission Local Plan (2011-2031)."*

- 15 An Appeal against the decision to refuse Planning Application 16/02113/1 was dismissed on 10<sup>th</sup> December 2018.
- 16 Both Listed Building Consent Applications 16/02129/1LB and 17/01524/1LB remain with the Local Planning Authority and remain undetermined.
- 17 Revised Planning (ref: 19/00341/FP) and Listed Building Consent (19/00342/LBC) Applications were lodged on 13<sup>th</sup> February 2019 seeking consent for the subdivision of the public house and change of use of part to dwelling house with the creation of a new car parking for public house. Both applications were validated on 19<sup>th</sup> February 2019.
- 18 Planning Application 19/00341/FP was refused on 3<sup>rd</sup> April 2019 with the following reason being given to support the refusal:

*"The application does not set out that a public house of this reduced size, with no commercial kitchen to allow the sale of food items, no residential accommodation to allow a manager or tenant to live at the business and without access to a reasonable sized car parking area for customers, would be able to trade successfully and could operate as a viable business. As a result, the viability of the public house in the medium to long term has to be questioned, contrary to paragraph 92(c) of the NPPF which seeks to guard against the unnecessary loss of valued local facilities."*
- 19 Listed Building Consent Application 19/00342/LBC was refused on 3<sup>rd</sup> April with the following reason being given to support the decision:

*"Full details of the proposed internal works for the separation, sound and fire proofing have not been provided. This is contrary to emerging Policy HE1 of the Local Plan 2011 - 203. Furthermore, as the full details of the works cannot be assessed, the works could cause less than substantial harm to the listed building, contrary to paragraph 196 of the NPPF."*
- 20 A Listed Building Consent Application (ref: 19/01222/LBC) for Internal and external alterations to facilitate the reinstatement of The Cabinet as a public house (class A4) was submitted on 20<sup>th</sup> May 2019. This application is still to be determined and an extension of time has been granted to 27<sup>th</sup> September 2019.
- 21 On 5<sup>th</sup> June 2019 the Appellant was issued with a Premises Licence for The Cabinet, under the Licensing Act 2003, permitting the sale or supply of alcohol for consumption on the premises.

22 On 18<sup>th</sup> July 2019 the Appellant was served with an Enforcement Notice instructing him to cease the use of the Public House and a Residential Dwelling House within six months of the 19<sup>th</sup> August 2019.

**Grounds for Appeal:**

23 There are two Grounds for Appeal, namely:

1. that the notice was not properly served on everyone with an interest in the land; and
2. that the time given to comply with the notice is too short.

First Ground for Appeal:

24 The Title Deed for the Cabinet shows that it was purchased by the Appellant as a Trustee of the Newman 2004 Settlement Trust. The same document gives details of a further three Trustees; Philip Roy, Rita and Kate Laura Newman.

25 The Enforcement Notice was served by way of a hand delivered letter posted through the door of The Cabinet, a letter posted to Richard Newman c/o PO Box 6000, the address of The Trust and to 'persons unknown' by way of public display on the site.

27 Whilst we accept that the LPA have served Richard Newman and 'persons unknown' by way of public display of the Enforcement Notice, these notices do not apply to those who are known to have an interest in the land.

28 Despite the LPA being able to ascertain the ownership details of The Cabinet, they have failed to serve adequate notice on Philip Roy, Rita and Kate Laura Newman and, therefore, the notice cannot be considered to have been properly served on everyone with an interest in the land and the Enforcement Notice is, therefore, invalid.

Second Ground for Appeal:

29 Since the purchase of the property in 2015, the Appellant has sought to work constructively with the LPA to regularise the situation.

30 Initially he was encouraged to apply for change of use to a dwelling house and, despite the proposals gaining officer level support, the application was thrown out by committee following a vigorous local campaign.

31 The Appellant was then encouraged to pursue a compromise scheme where part of the building was retained as Public House with the remainder being converted to a dwelling house. This scheme also failed following local pressure.

- 32 The Appellant, having worked constructively with the LPA to resolve this matter, has now accepted that Change of Use is not going to be granted permission in the current political climate and has embarked on a double stranded plan to return the Public House to its approved use and to ensure that it is commercially viable.
- 33 The Appellant has been marketing the property as a Public House for some six months with Fleurets without success. The agreement with Fleurets has now concluded and the property is being marketed with other agents in the hope of finding either a purchaser or a tenant for the public house.
- 34 Whilst there were a number of viable interested parties, Fleurets were unable to conclude either a sale or tenancy agreement and the Appellant is aware that it may be some time before a viable purchaser or tenant are identified, if ever.
- 35 With this in mind, the Appellant has applied for and obtained a Premises Licence for The Cabinet, under the Licensing Act 2003, permitting the sale or supply of alcohol for consumption on the premises to allow him to operate the Public House.
- 36 The Appeal Hearing relating to the original change of use application found that The Cabinet might be financially viable but only under certain circumstances:
1. when run as a community concern (i.e. at minimal profit and with a much reduced purchase price);  
and
  2. as a combined restaurant / public house.
- 37  In order for the Public House to be run as a commercially viable operation the works carried out to date need to be regularised and further works approved to reinstate the Bar, form a commercial kitchen, WC facilities and to separate the living accommodation from the public areas for fire protection and privacy purposes.
- 38 The Appellant now has a live Listed Building Consent Application which seeks permission for the necessary works which will allow the whole building to operate as a viable Public House.
- 39 The LPA have requested, and been granted, an extension of time to the 27<sup>th</sup> September 2019 to allow the local ward member to call the application in to committee.
- 40 The Appellant is mindful that, to date, whilst both Planning Applications and one Listed Building Consent Application have been determined (refused), there remain three Listed Building Consent Applications (including the most recent) which are yet to be determined.

- 41 Application 16/02129/1LB has been lodged with the LPA for approximately three years and there is no sign that it is to be determined in the immediate future nor any indication that the works are unacceptable.
- 42 Application 17/01524/1LB has been lodged with the LPA for over a year and, again, there is no indication that it will be determined soon nor any indication that the works are unacceptable.
- 43 The current Listed Building Consent Application is subject to local objection yet again, despite being for works which would achieve the stated aims of the local pressure group, and the Appellant cannot be confident that consent will be granted in a timely manner or even that the application will be put in front of committee for a decision to be made.
- 44 The Enforcement Notice requires the Appellant to cease the unauthorised use of the Public House as a Private Dwelling before or by the 19<sup>th</sup> February 2020 and he is keen to comply, however, having no alternative residential accommodation available to him his only option is, therefore, to reopen the public house before this date.
- 45 It is our argument that it is unreasonable for the LPA to apply an arbitrary deadline of 19<sup>th</sup> February 2020 when it is they themselves who are likely to prevent the lawful use being reinstated by delaying a decision of the Listed Building Consent Application and leaving insufficient time for the Appellant to implement the necessary works.

### **Conclusion**

- 46 In conclusion, we respectfully request that this appeal be granted and the Enforcement Notice quashed on the basis that the LPA have failed to notify, in a fit and proper manner, all those who have an interest in the land.
- 47 Furthermore, we request that this appeal be granted and the Enforcement Notice be quashed on the basis that the timescales set out in the Enforcement Notice are unreasonable as the LPA are the only impediment to the lawful use being reinstated and the Appellant has no control over their processes or timescales.

Appendix 1 – Copy of Enforcement Notice

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR  
PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990  
(AS AMENDED BY THE PLANNING AND COMPENSATION  
ACT 1991)**

**ENFORCEMENT NOTICE**

**ISSUED BY: NORTH HERTFORDSHIRE DISTRICT COUNCIL**

**1. THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

**2. THE LAND TO WHICH THE NOTICE RELATES**

Land at The Cabinet, High Street, Reed, Royston SG8 8HA shown edged in red on the attached plan,

**3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, the change of use of a public house to a residential dwelling house.

**4. REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last four years.

Retrospective planning permission has been refused for the residential use (16/02113/1) on 20 July 2017.

A planning appeal (APP/X1925/W/17/3188914) against the refusal of retrospective planning permission for the use has been dismissed on 10 December 2018.

The development is contrary to Policy ETC7 (Scattered local shops and services in towns and villages) of the submission North Hertfordshire Draft Local Plan 2011-2031

The development is contrary to Paragraphs 83 (Supporting a prosperous rural economy) and 92 (Promoting healthy and safe communities) of the National Planning Policy Framework 2019 (NPPF)

Planning conditions can not overcome the objections to the development that has been undertaken.

## **5. WHAT YOU ARE REQUIRED TO DO**

- (i) Cease the unauthorised use of the public house as a residential dwelling house.

## **6. TIME FOR COMPLIANCE**

- (i) 6 Months from when this notice takes effect.

## **7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 19 August 2019, unless an appeal is made against it beforehand.

Dated: 18 July 2019

Signed:



Simon Ellis  
Development and Conservation Manager on behalf of  
North Hertfordshire District Council  
Council Offices  
Gernon Road  
Letchworth Garden City  
Hertfordshire  
SG6 3JF

## ANNEX

North Hertfordshire District Council has issued an enforcement notice relating to land at The Cabinet, High Street, Reed, Royston SG8 8HA and you are served with a copy of that notice as you have an interest in the Land. Copies of the notice have also been served on the parties listed at the end of this Annex.

## YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be **received**, by the Secretary of State **before** the date specified in paragraph 7 of the notice.

Guidance on the Enforcement Appeals procedure and how to make an Enforcement Appeal can be found from the following web address:

<http://www.planningportal.gov.uk/planning/appeals/enforcementappeals>

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal

[www.planningportal.gov.uk/uploads/pins/eninfosheet.pdf](http://www.planningportal.gov.uk/uploads/pins/eninfosheet.pdf)

## IF YOU APPEAL

If you lodge an appeal then you must submit to the Secretary of State, a statement in writing specifying the grounds on which you are appealing against the enforcement notice and stating briefly the facts that you propose to rely on, in support of each of those grounds. Either:

When giving notice of appeal; or

Within 14 days from the date that the Secretary of State sends you notice that requires you to send a statement.

Whilst you are fully within your rights to make a Ground (a) appeal against this notice, namely that planning permission should be granted for what is alleged in this notice, the fact that an appeal of this nature has already been made and was dismissed by the Planning Inspectorate at that time (under appeal reference APP/X1925/W/17/3188914), means that an appeal on the same ground is unlikely to be considered favourably.

If you wish to make a Ground (a) (that planning permission should be granted for what is alleged in the notice) appeal you will need to pay to the Council double the usual planning fee for a development of this type as set by The Planning Inspectorate. In this instance the fee to be paid for a Ground (a) appeal is £924.00 (£462.00 x2). This fee must be paid to the Council when your appeal is made. If the fee is not paid in advance the Planning Inspectorate may refuse to hear any appeal, or part of an appeal on Ground (a).

## WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on 19 August 2019 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the periods specified in the notice. Failure to comply with an enforcement notice, which has taken effect, can result in prosecution and/or remedial action by the Council.

## WHO THIS ENFORCEMENT NOTICE IS SERVED ON

The Owner, Occupier or anyone with an interest in the Land at:

The Cabinet, High Street Reed Reed, Royston, SG8 8HA.

RICHARD KELLY NEWMAN The Cabinet, High Street Reed Reed, Royston, SG8 8HA.

RICHARD KELLY NEWMAN PO Box, 6000, Epping, CM16 4EL

Persons Unknown by way of service of display of the Enforcement Notice on the site.

If you believe that there is someone else who should be served or any of those listed above has not received a copy of the notice or any other document please let that person and the Council know as soon as possible.

Enclosures:

Enforcement Notice (3 Copies)



Location Plan



Scale 1:1,250  
Date: 18/06/2019

Appendix 2 – Land Registry Extract

Title Number : HD354219

This title is dealt with by HM Land Registry, Leicester Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy.

This extract shows information current on 8 JUL 2019 at 16:18:46 and so does not take account of any application made after that time even if pending in HM Land Registry when this extract was issued.

REGISTER EXTRACT

|                     |                                                                                                   |
|---------------------|---------------------------------------------------------------------------------------------------|
| Title Number        | : HD354219                                                                                        |
| Address of Property | : The Cabinet, High Street, Reed, Royston (SG8 8AH)                                               |
| Price Stated        | : £375,000 plus £67,500 VAT                                                                       |
| Registered Owner(s) | : RICHARD KELLY NEWMAN of PO Box, 6000, Epping CM16 4EL as trustee of the Newman 2004 Settlement. |
| Lender(s)           | : None                                                                                            |

## Title number HD354219

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 8 JUL 2019 at 16:18:46. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

## A: Property Register

This register describes the land and estate comprised in the title.

HERTFORDSHIRE : NORTH HERTFORDSHIRE

1 (06.03.1997) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being The Cabinet, High Street, Reed, Royston (SG8 8AH).

2 (08.05.1997) A Transfer of the land in this title dated 17 April 1997 made between (1) William Roger Peter Sedgwick Rough (Transferor) and (2) Gregory Molen (Transferee) is expressed to grant the following rights. These rights are included in the registration only to the extent that they are legal and not equitable rights.

"TOGETHER WITH the personal right for the Transferee in common with the Transferor and all others authorised by the Transferor (but so that this right shall not be annexed to or run property hereby transferred) to use the area of land shown edged green on the Plan at all times and for all purposes in connection with running of the business of a Public House from the Property provided that:-

(a) the Transferee shall use its best endeavours to procure that the area of land shown edged green is kept clean and tidy free from weeds and with all grass cut regularly and all flower borders shrubs and hedges well maintained and trimmed as often as reasonably necessary;

(b) the Transferee shall not use the area of land shown edged green in a manner that would cause a nuisance or damage to the Transferor or the owners of any adjoining property;

(c) the Transferor shall be entitled to determine the right by serving not less than six months prior written notice on the Transferee at any time and upon the service of noticed pursuant in paragraph (c) above the aforementioned right shall determine in accordance with the terms of such notice but without prejudice to any antecedent liability of either party to the other."

NOTE: The land edged green referred to is tinted blue on the filed plan..

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

### Title absolute

1 (04.12.2015) PROPRIETOR: RICHARD KELLY NEWMAN of PO Box, 6000, Epping CM16 4EL as trustee of the Newman 2004 Settlement.

2 (07.07.2014) RESTRICTION: No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011.

3 (04.12.2015) The price stated to have been paid on 19 November 2015 was £375,000 plus £67,500 VAT.

## B: Proprietorship Register continued

- 4 (04.12.2015) RESTRICTION: No disposition by the proprietors of the registered estate is to be registered unless one or more of them makes a statutory declaration or statement of truth, or their conveyancer gives a certificate, that the disposition is in accordance with the Newman 2004 Settlement dated 15 March 2014 and made between (1) Philip Roy Newman and Rita Newman and (2) Richard Kelly Newman and Kate Laura Newman or some variation thereof referred to in the declaration, statement or certificate.

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 The land is subject to the following rights reserved by a Conveyance of the land in this title and other land dated 8 January 1959 made between (1) Flowers Breweries Limited and (2) Elizabeth Mary Endersby:-

"SUBJECT to a public right of way on foot through and over part of the property hereby conveyed."

End of register

## Appendix 3 - Premises Licence for The Cabinet



**Licensing Act 2003**

**Part A  
Format of premises licence**

**North Hertfordshire District Council  
Council Offices, Gernon Road, Letchworth Garden City, Hertfordshire, SG6 3JF**

**Original grant date: 05 June 2019  
Current issue date: 24 June 2019**

  
Authorized signatory

**Premises licence number: 9237**

**Part 1 – premises details**

Postal address of premises, or if none, ordinance survey map reference or description  
**The Cabinet  
High Street, Reed, Royston, Hertfordshire, SG8 8AH**

Where the licence is time limited the dates  
**This licence is granted in perpetuity**

Licensable activities authorised by the licence  
**Section J: Sale or Supply of Alcohol:(On the premises)**

The times the licence authorises the carrying out of licensable activities

**Section J: Sale or Supply of Alcohol:(For consumption on the premises)**

| Day       | Start Time | End Time |
|-----------|------------|----------|
| Monday    | 12.00      | 23.00    |
| Tuesday   | 12.00      | 23.00    |
| Wednesday | 12.00      | 23.00    |
| Thursday  | 12.00      | 23.00    |
| Friday    | 12.00      | 23.00    |
| Saturday  | 12.00      | 23.00    |
| Sunday    | 12.00      | 23.00    |

**The opening hours of the premises**

| Day       | Start Time | End Time |
|-----------|------------|----------|
| Monday    | 12.00      | 23.00    |
| Tuesday   | 12.00      | 23.00    |
| Wednesday | 12.00      | 23.00    |



|          |       |       |
|----------|-------|-------|
| Thursday | 12.00 | 23.00 |
| Friday   | 12.00 | 23.00 |
| Saturday | 12.00 | 23.00 |
| Sunday   | 12.00 | 23.00 |

Where the licence authorises supplies of alcohol whether these are on and/or off supplies  
**For consumption on the premises**

**Part 2**

Name, (registered) address, telephone number and email (where relevant) of holder of the premises licence  
**Mr Richard Newman**  
**The Cabinet, High Street, Reed, Royston, Hertfordshire, SG8 8AH**  
**01763 849321**  
**Infonewman@yahoo.co.uk**

Registered number of holder, for example company number, charity number (where applicable)  
**n/a**

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol  
**Richard Newman**  
**The Cabinet, High Street, Reed, Royston, Herts SG8 8AH**

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol  
**Licence Number: LN/21006356**  
**Issuing authority: Epping Forest District Council**

**Annex 1 – Mandatory conditions**

No supply of alcohol may be made under this licence:  
(a) at a time when there is no designated premises supervisor in respect of the premises licence, or  
(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The admission of children, that is persons under eighteen (18) years of age, to the exhibition of any film shall be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC) or by the Licensing Authority.

Any one or more individuals at the premises for the purposes of carrying out a security activity (an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 applies and which is licensable conduct for the purposes of that Act) must:  
(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or  
(b) be entitled to carry out that activity by virtue of section 4 of that Act.

**"Responsible person" means the holder of the premises licence, the designated premises supervisor, or any other person over the age of eighteen (18) years who has been authorised to sell alcohol at the licensed premises.**

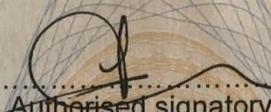
The responsible person must ensure that staff on relevant premises do not carry out, arrange, or participate in any irresponsible promotions in relation to the premises. In this condition, an

**Licensing Act 2003**

**Part B  
 Premises licence summary**

North Hertfordshire District Council  
 Council Offices, Gernon Road, Letchworth Garden City, Hertfordshire, SG6 3JF

Original grant date: 05 June 2019  
 Current issue date: 24 June 2019

  
 Authorised signatory

Premises licence number: 9237

**Part 1 – premises details**

Postal address of premises, or if none, ordinance survey map reference or description  
**The Cabinet  
 High Street, Reed, Royston, Hertfordshire, SG8 8AH**

Where the licence is time limited the dates  
**This licence is granted in perpetuity**

Licensable activities authorised by the licence  
**Section J: Sale or Supply of Alcohol:(On the premises)**

The times the licence authorises the carrying out of licensable activities  
**Section J: Sale or Supply of Alcohol:(For consumption on the premises)**

| Day       | Start Time | End Time |
|-----------|------------|----------|
| Monday    | 12.00      | 23.00    |
| Tuesday   | 12.00      | 23.00    |
| Wednesday | 12.00      | 23.00    |
| Thursday  | 12.00      | 23.00    |
| Friday    | 12.00      | 23.00    |
| Saturday  | 12.00      | 23.00    |
| Sunday    | 12.00      | 23.00    |

The opening hours of the premises

| Day       | Start Time | End Time |
|-----------|------------|----------|
| Monday    | 12.00      | 23.00    |
| Tuesday   | 12.00      | 23.00    |
| Wednesday | 12.00      | 23.00    |
| Thursday  | 12.00      | 23.00    |
| Friday    | 12.00      | 23.00    |
| Saturday  | 12.00      | 23.00    |



Sunday

12.00

23.00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

**For consumption on the premises**

Name and (registered) address of holder of the premises licence

**Mr Richard Newman  
The Cabinet, High Street, Reed, Royston, Hertfordshire, SG8 8AH**

Registered number of holder, for example company number, charity number (where applicable)

**n/a**

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

**Richard Newman**

**Access to the premises by children under the age of (16) years is not restricted**

Appendix 4 – Copy of Planning Application ref: 16/02113/1

Development Control,  
Council Offices  
Gernon Road  
Letchworth Garden City  
Hertfordshire  
SG6 3JF

Date: 22 August 2016  
Our ref: 16/001/A/mdc  
Your ref: PP 0542030

architecture  
& design services ltd.

Parndon Mill | Harlow | Essex | CM20 2HP

T: 01279 444 904  
E: info@aandds.co.uk  
W: www.aandds.co.uk



Dear Sirs

**RE: THE CABINET, HIGH STREET, REED, HERTS SG8 8AH**

We confirm having submitted a Full Planning application for change of use of the above property via the Planning Portal comprising the following documents:

Completed Planning Application forms  
Drawing nos 16/001/A/01  
Design Access Statement incorporated in this letter  
Mullucks Wells letter dated 4 March 2016

We enclose a cheque for 385.00 made payable to North Herts District Council for the application fee.

**Design & Access Statement and Background to the Application**

This statement forms part of the Planning Application for change of use of the existing premises known as The Cabinet from Class A3 (Public House) to Class C3 (Dwelling). This application does not include any proposals to alter or extend the premises in any other way.

The Cabinet had been marketed at least since July 2011 but had received only limited interest as A3 Use none of which were successfully concluded. This comprised 2 viewings with various parties including agents for a pub group, developers and restaurateurs and some of which were interested only in residential redevelopment of the site. Eventually, the property was put up for sale by auction in October 2015 and, on the day, the applicant was the only bidder despite the Parish Council being given a first option under a license scheme. We enclose a copy of a letter dated 4 March 2016 from Mullucks and Wells setting out the marketing history of the property between 2011 and 2015.

The property was purchased by the applicant on the assumption that the only sustainable use for the property was as a dwelling. At present, the applicant is living in the residential rooms on the first floor. Granting change of use from A3 to C3 will secure the long term future of this Grade II listed building and remove the risk of it being left vacant again and lacking proper maintenance for possibly years to come until a commercial user can be found.

The property offers more than adequate provision for car parking and access arrangements are unaltered from those that exist at present. Level access for disabled visitors is possible at the rear of the building where sanitary facilities are now provided.

Listed Building Consent has been applied for under a separate application for approval to the minimal, internal alterations needed to secure the structural integrity of the fabric and a sustainable and secure layout of the premises.

Yours faithfully

Mark Cotton BA (Arch) Dip Arch RIBA Chartered Architect

Director  
For and on behalf of

architecture & design services ltd.

arb  
Architects Registration Board



Correspondence address:
PO BOX 480, M33 0DE
Telephone: (01462) 474000
Text Phone: (01462) 474800

Application for Planning Permission.
Town and Country Planning Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.
If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

Form section 1: Applicant Name, Address and Contact Details. Fields include Title (Mr), First Name (Richard), Surname (Newman), Company name, Street address (The Cabinet, High Street), Telephone number, Mobile number, Town/City (REED), Country, Postcode (SG8 8AH), and Email address. Includes a question: 'Are you an agent acting on behalf of the applicant?' with Yes/No radio buttons.

2. Agent Name, Address and Contact Details

Form section 2: Agent Name, Address and Contact Details. Fields include Title (Mr), First Name (Mark), Surname (Cotton), Company name (architecture & design services ltd.), Street address (Parndon Mill), Telephone number (01279444904), Mobile number, Town/City (Harlow), Country (United Kingdom), Postcode (CM20 2HP), and Email address (info@aands.co.uk).

3. Description of the Proposal

Form section 3: Description of the Proposal. Includes a text box for 'Please describe the proposed development including any change of use:' with the entry 'Change of use from A4 (Public house) to C3 (single dwelling)'. Includes a question: 'Has the building, work or change of use already started?' with Yes/No radio buttons.

#### 4. Site Address Details

Full postal address of the site (including full postcode where available)

Description:

House:  Suffix:

House name:

Street address:

Town/City:

Postcode:

Description of location or a grid reference  
(must be completed if postcode is not known):

Easting:

Northing:

#### 5. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes  No

#### 6. Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicle access proposed to or from the public highway?

Yes  No

Is a new or altered pedestrian access proposed to or from the public highway?

Yes  No

Are there any new public roads to be provided within the site?

Yes  No

Are there any new public rights of way to be provided within or adjacent to the site?

Yes  No

Do the proposals require any diversions/extinguishments and/or creation of rights of way?

Yes  No

#### 7. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste?

Yes  No

Have arrangements been made for the separate storage and collection of recyclable waste?

Yes  No

#### 8. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

Yes  No

#### 9. Materials

No Material details were submitted for this application

## 10. Vehicle Parking

No Vehicle Parking details were submitted for this application

## 11. Foul Sewage

Please state how foul sewage is to be disposed of:

Mains sewer  Package treatment plant  Unknown   
Septic tank  Cess pit  Other

Are you proposing to connect to the existing drainage system?  Yes  No  Unknown

## 12. Assessment of Flood Risk

Is the site within an area at risk of flooding? (Refer to the Environment Agency's Flood Map showing flood zones 2 and 3 and consult Environment Agency standing advice and your local planning authority requirements for information as necessary.)

Yes  No

If Yes, you will need to submit an appropriate flood risk assessment to consider the risk to the proposed site.

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)?

Yes  No

Will the proposal increase the flood risk elsewhere?

Yes  No

How will surface water be disposed of?

Sustainable drainage system  Main sewer  Pond/lake  
 Soakaway  Existing watercourse

## 13. Biodiversity and Geological Conservation

To assist in answering the following questions refer to the guidance notes for further information on when there is a reasonable likelihood that any important biodiversity or geological conservation features may be present or nearby and whether they are likely to be affected by your proposals.

Having referred to the guidance notes, is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, OR on land adjacent to or near the application site:

a) Protected and priority species

Yes, on the development site  Yes, on land adjacent to or near the proposed development  No

b) Designated sites, important habitats or other biodiversity features

Yes, on the development site  Yes, on land adjacent to or near the proposed development  No

c) Features of geological conservation importance

Yes, on the development site  Yes, on land adjacent to or near the proposed development  No

## 14. Existing Use

Please describe the current use of the site:

A4 public house

Is the site currently vacant?

Yes  No

Does the proposal involve any of the following?

If yes, you will need to submit an appropriate contamination assessment with your application.

Land which is known to be contaminated?

Yes  No

## 14. Existing Use

Land where contamination is suspected for all or part of the site?

Yes  No

A proposed use that would be particularly vulnerable to the presence of contamination?

Yes  No

## 15. Trees and Hedges

Are there trees or hedges on the proposed development site?

Yes  No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?

Yes  No

If Yes to either or both of the above, you may need to provide a full Tree Survey, at the discretion of your local planning authority. If a Tree Survey is required, this and the accompanying plan should be submitted alongside your application. Your local planning authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to design, demolition and construction - Recommendations'.

## 16. Trade Effluent

Does the proposal involve the need to dispose of trade effluents or waste?

Yes  No

## 17. Residential Units

Does your proposal include the gain or loss of residential units?

Yes  No

| Market Housing - Proposed |                    |   |   |    |         |
|---------------------------|--------------------|---|---|----|---------|
|                           | Number of bedrooms |   |   |    |         |
|                           | 1                  | 2 | 3 | 4+ | Unknown |
| Bedsits/Studios           |                    |   |   |    |         |
| Cluster Flats             |                    |   |   |    |         |
| Flats/Maisonettes         |                    |   |   |    |         |
| Houses                    | 0                  | 1 | 0 | 0  | 0       |
| Live-Work Units           |                    |   |   |    |         |
| Sheltered Housing         |                    |   |   |    |         |
| Unknown                   |                    |   |   |    |         |

Proposed Market Housing Total

1

| Market Housing - Existing |                    |   |   |    |         |
|---------------------------|--------------------|---|---|----|---------|
|                           | Number of bedrooms |   |   |    |         |
|                           | 1                  | 2 | 3 | 4+ | Unknown |
| Bedsits/Studios           |                    |   |   |    |         |
| Cluster Flats             |                    |   |   |    |         |
| Flats/Maisonettes         |                    |   |   |    |         |
| Houses                    |                    |   |   |    |         |
| Live-Work Units           |                    |   |   |    |         |
| Sheltered Housing         |                    |   |   |    |         |
| Unknown                   |                    |   |   |    |         |

Existing Market Housing Total

| Social Rented Housing - Proposed |                    |   |   |    |         |
|----------------------------------|--------------------|---|---|----|---------|
|                                  | Number of bedrooms |   |   |    |         |
|                                  | 1                  | 2 | 3 | 4+ | Unknown |
| Bedsits/Studios                  |                    |   |   |    |         |
| Cluster Flats                    |                    |   |   |    |         |
| Flats/Maisonettes                |                    |   |   |    |         |
| Houses                           |                    |   |   |    |         |
| Live-Work Units                  |                    |   |   |    |         |
| Sheltered Housing                |                    |   |   |    |         |
| Unknown                          |                    |   |   |    |         |

Proposed Social Housing Total

| Social Rented Housing - Existing |                    |   |   |    |         |
|----------------------------------|--------------------|---|---|----|---------|
|                                  | Number of bedrooms |   |   |    |         |
|                                  | 1                  | 2 | 3 | 4+ | Unknown |
| Bedsits/Studios                  |                    |   |   |    |         |
| Cluster Flats                    |                    |   |   |    |         |
| Flats/Maisonettes                |                    |   |   |    |         |
| Houses                           |                    |   |   |    |         |
| Live-Work Units                  |                    |   |   |    |         |
| Sheltered Housing                |                    |   |   |    |         |
| Unknown                          |                    |   |   |    |         |

Existing Social Housing Total

| Intermediate Housing - Proposed |                    |   |   |    |         |
|---------------------------------|--------------------|---|---|----|---------|
|                                 | Number of bedrooms |   |   |    |         |
|                                 | 1                  | 2 | 3 | 4+ | Unknown |
| Bedsits/Studios                 |                    |   |   |    |         |
| Cluster Flats                   |                    |   |   |    |         |
| Flats/Maisonettes               |                    |   |   |    |         |

| Intermediate Housing - Existing |                    |   |   |    |         |
|---------------------------------|--------------------|---|---|----|---------|
|                                 | Number of bedrooms |   |   |    |         |
|                                 | 1                  | 2 | 3 | 4+ | Unknown |
| Bedsits/Studios                 |                    |   |   |    |         |
| Cluster Flats                   |                    |   |   |    |         |
| Flats/Maisonettes               |                    |   |   |    |         |

## 17. Residential Units

| Intermediate Housing - Proposed |                    |   |   |    |         |
|---------------------------------|--------------------|---|---|----|---------|
|                                 | Number of bedrooms |   |   |    |         |
|                                 | 1                  | 2 | 3 | 4+ | Unknown |
| Houses                          |                    |   |   |    |         |
| Live-Work Units                 |                    |   |   |    |         |
| Sheltered Housing               |                    |   |   |    |         |
| Unknown                         |                    |   |   |    |         |

Proposed Intermediate Housing Total

| Intermediate Housing - Existing |                    |   |   |    |         |
|---------------------------------|--------------------|---|---|----|---------|
|                                 | Number of bedrooms |   |   |    |         |
|                                 | 1                  | 2 | 3 | 4+ | Unknown |
| Houses                          |                    |   |   |    |         |
| Live-Work Units                 |                    |   |   |    |         |
| Sheltered Housing               |                    |   |   |    |         |
| Unknown                         |                    |   |   |    |         |

Existing Intermediate Housing Total

| Key Worker Housing - Proposed |                    |   |   |    |         |
|-------------------------------|--------------------|---|---|----|---------|
|                               | Number of bedrooms |   |   |    |         |
|                               | 1                  | 2 | 3 | 4+ | Unknown |
| Bedsits/Studios               |                    |   |   |    |         |
| Cluster Flats                 |                    |   |   |    |         |
| Flats/Maisonettes             |                    |   |   |    |         |
| Houses                        |                    |   |   |    |         |
| Live-Work Units               |                    |   |   |    |         |
| Sheltered Housing             |                    |   |   |    |         |
| Unknown                       |                    |   |   |    |         |

Proposed Key Worker Housing Total

| Key Worker Housing - Existing |                    |   |   |    |         |
|-------------------------------|--------------------|---|---|----|---------|
|                               | Number of bedrooms |   |   |    |         |
|                               | 1                  | 2 | 3 | 4+ | Unknown |
| Bedsits/Studios               |                    |   |   |    |         |
| Cluster Flats                 |                    |   |   |    |         |
| Flats/Maisonettes             |                    |   |   |    |         |
| Houses                        |                    |   |   |    |         |
| Live-Work Units               |                    |   |   |    |         |
| Sheltered Housing             |                    |   |   |    |         |
| Unknown                       |                    |   |   |    |         |

Existing Key Worker Housing Total

### Overall Residential Unit Totals

Total proposed residential units 1

Total existing residential units

## 18. All Types of Development: Non-residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace?

Yes  No

| Use Class/type of use        | Existing gross internal floorspace (square metres) | Gross internal floorspace to be lost by change of use or demolition (square metres) | Total gross new internal floorspace proposed (including changes of use) (square metres) | Net additional gross internal floorspace following development (square metres) |
|------------------------------|----------------------------------------------------|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| A4 - Drinking establishments | 240                                                | 240                                                                                 | 0                                                                                       | -240                                                                           |
| <b>Total</b>                 | <b>240</b>                                         | <b>240</b>                                                                          | <b>0</b>                                                                                | <b>-240</b>                                                                    |

For hotels, residential institutions and hostels, please additionally indicate the loss or gain of rooms:

| Use Class/types of use | Existing rooms to be lost by change of use or demolition | Total rooms proposed (including changes of use) | Net additional rooms |
|------------------------|----------------------------------------------------------|-------------------------------------------------|----------------------|
|                        |                                                          |                                                 |                      |

## 19. Employment

No Employment details were submitted for this application

## 20. Hours of Opening

No Hours of Opening details were submitted for this application

## 21. Site Area

What is the site area?

1,980.00

sq.metres

## 22. Industrial or Commercial Processes and Machinery

Please describe the activities and processes which would be carried out on the site and the end products including plant, ventilation or air conditioning. Please include the type of machinery which may be installed on site:

Is the proposal for a waste management development?

Yes  No

If this is a landfill application you will need to provide further information before your application can be determined. Your waste planning authority should make clear what information it requires on its website.

## 23. Hazardous Substances

Is any hazardous waste involved in the proposal?

Yes  No

### A. Toxic substances

Amount held on site

Tonne(s)

### B. Highly reactive/explosive substances

Amount held on site

Tonne(s)

### C. Flammable substances (unless specifically named in parts A and B)

Amount held on site

Tonne(s)

## 24. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes  No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

The agent  The applicant  Other person

## 25. Certificates (Certificate A)

### Certificate of Ownership - Certificate A Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/the applicant was the owner (*owner is a person with a freehold interest or leasehold interest with at least 7 years left to run*) of any part of the land to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding ("*agricultural holding*" has the meaning given by reference to the definition of "*agricultural tenant*" in section 65(8) of the Act).

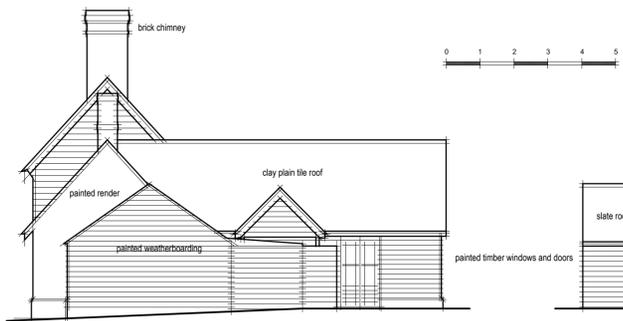
Title:  First name:  Surname:

Person role:  Declaration date:   Declaration made

## 26. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Date



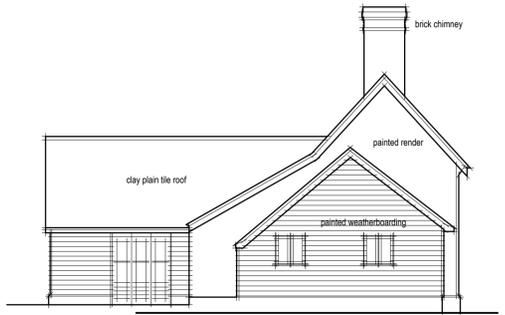
north elevation



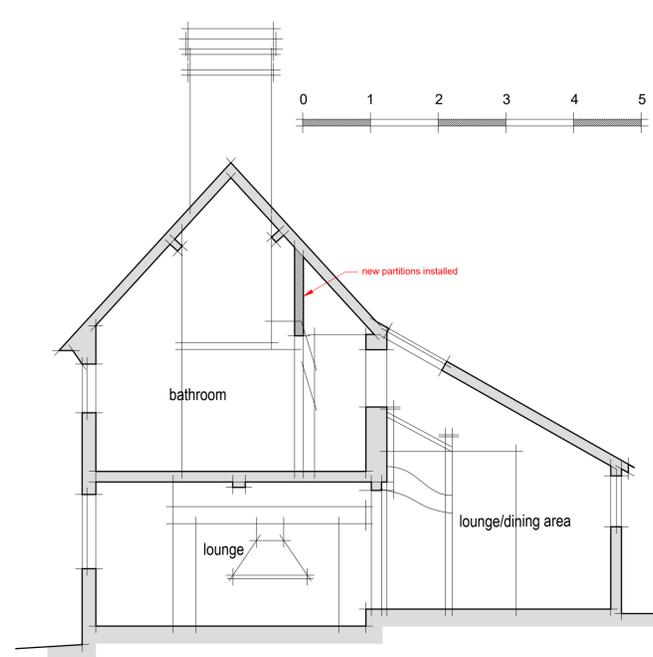
west elevation



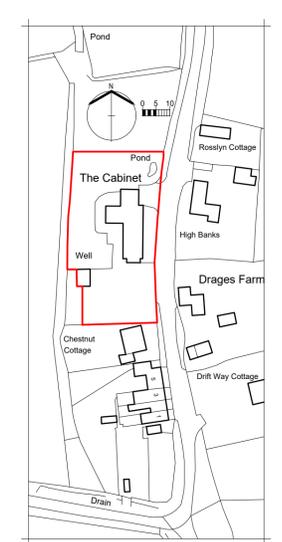
east elevation



south elevation

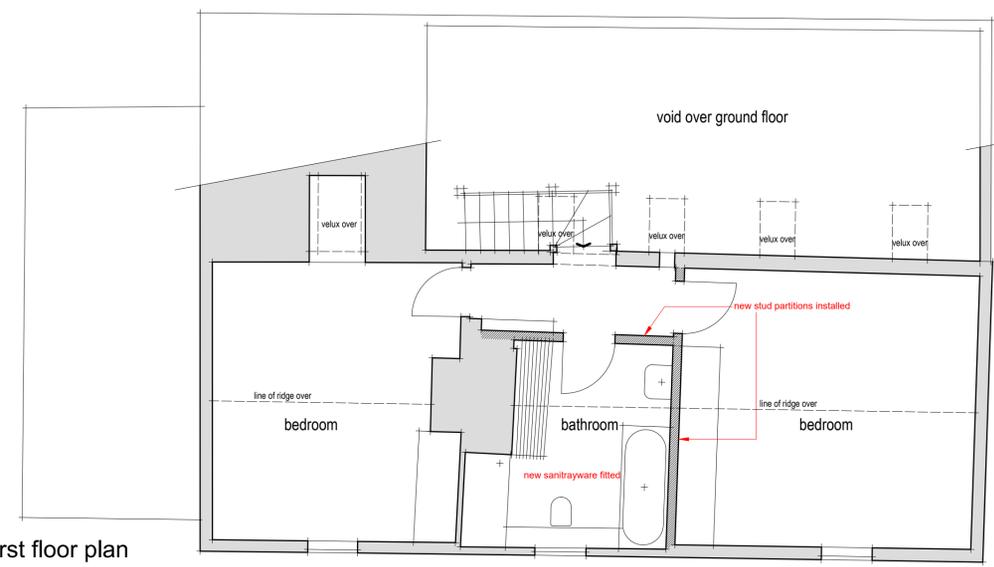


typical section

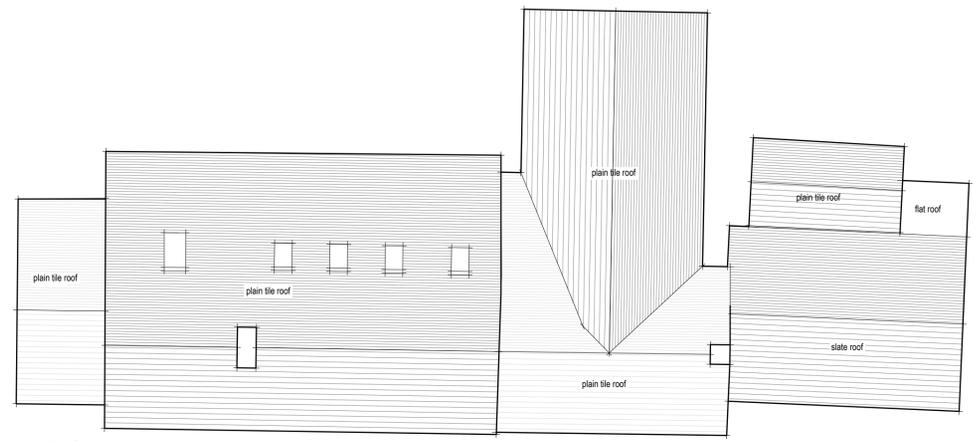


location plan 1/1250

**NOTES / REVISIONS**  
 NOTE: THIS DRAWING MUST NOT BE SCALED.  
 ALL DIMENSIONS TO BE CHECKED ON SITE BY THE CONTRACTOR AND ANY DISCREPANCIES ARE TO BE REPORTED BACK TO THE ARCHITECTURE BEFORE WORK COMMENCES.

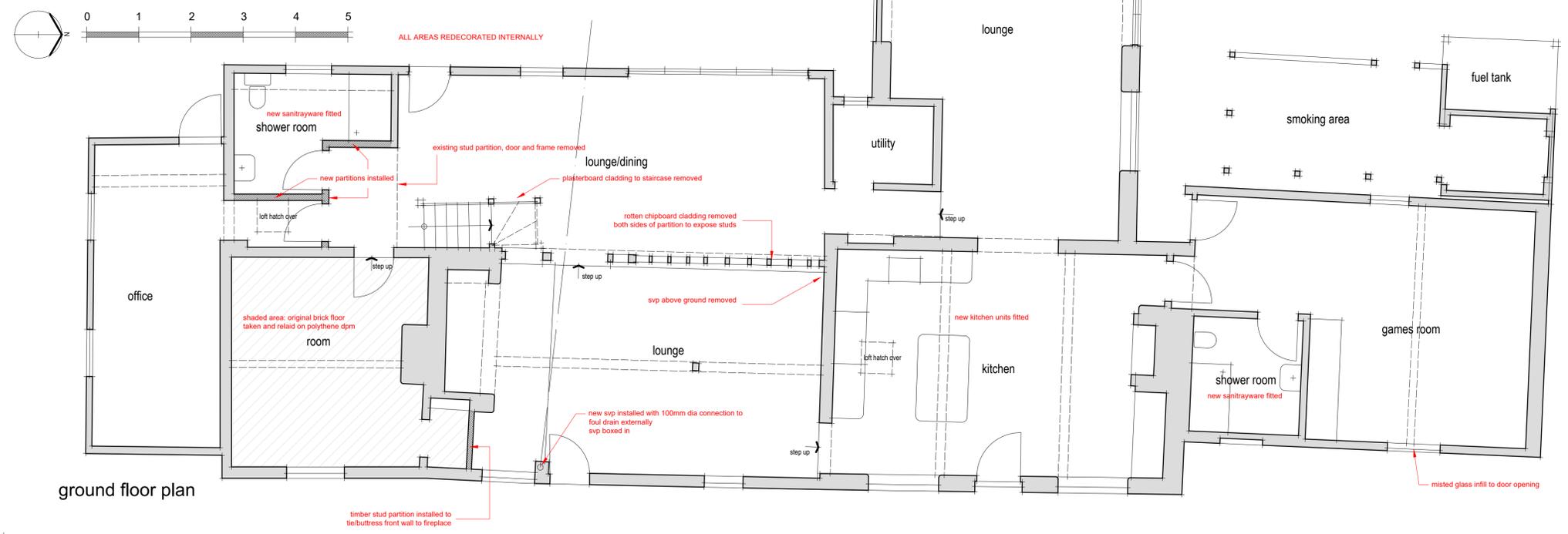


first floor plan



roof plan

PREMISES SHOWN AS SURVEYED ON 20 JULY 2016  
 WORKS UNDERTAKEN BY CURRENT OWNER WITHOUT LISTED BUILDING CONSENT SHOWN IN RED



ground floor plan

|                 |                                                        |
|-----------------|--------------------------------------------------------|
| PROJECT:        | THE CABINET<br>HIGH STREET<br>REED<br>HERTS<br>SG8 9AH |
| DRAWING:        | EXISTING<br>PLANS SECTION<br>ELEVATIONS                |
| DATE:           | AUG 2016                                               |
| SCALE:          | 1/50 1/100 at A1                                       |
| DRAWING NUMBER: | 16/0011A/01                                            |

**architecture**  
& design services ltd.

Parndon Mill | Harlow | Essex | CM20 2HP

T 01279 444 504  
E info@aadss.co.uk  
W www.aadss.co.uk

DRAWN BY: MOC CHECKED:



# MullucksWells

Mr R Newman  
17 Ivy Chimneys  
Epping  
Essex CM16 4EL

4 March 2016

Dear Richard

**Re: The Cabinet, Reed**

I refer to our recent telephone conversation and understand that you have recently acquired and refurbished The Cabinet at Reed.

As you know, Mullucks Wells were involved in the marketing of the premises seeking either a sale or a letting as a public house along with our joint agents Davis Coffer Lyons. Our marketing commenced in July 2011, and came to an end in January 2014.

I understand that you are exploring various uses for the public house, and have asked that we provide a report setting out the marketing undertaken during our period of instruction, and I set this out below.

#### INSTRUCTIONS

Mullucks Wells were instructed to act as joint agents in the marketing of the Cabinet, Reed, alongside Davies Coffer Lyons in July 2011.

The property was initially offered for sale, seeking offers in excess of £495,000. Instructions were received to offer the property to let as well as for sale in January 2012, to widen the potential of achieving a transaction.

Initially the property was offered to pub/restaurant occupiers, again however to increase the potential pool of occupiers, the property was also offered to alternative users such as D1 nursery or medical uses, and B1 offices. Any occupier considering the building for a non-public house use was advised to speak to the local authority to discuss whether their use would be acceptable.

The Guild House, Water Lane, Bishop's Stortford, Herts CM23 2JZ

T: 01279 755 400 F: 01279 757 377 E: [mullucks@mullucks.co.uk](mailto:mullucks@mullucks.co.uk) [www.mullucks.co.uk](http://www.mullucks.co.uk)

Directors: R.J.S. Roberts FRICS – W.R. Wells FNAEA – D.J. Emberson FNAEA – D. Galati – J. Wilson FNAEA MARLA  
Associates: Delia Roberts BSc MRICS Consultant: T.M. Trembath FRICS FAAV

MW East Anglia Limited trading as Mullucks Wells Registered in England No. 489 4067  
Registered Office: The Guild House, Water Lane, Bishop's Stortford, Herts CM23 2JZ

Bishop's Stortford – Saffron Walden – Great Dunmow – Epping – Mayfair





## MullucksWells

### MARKETING

An A3 marketing brochure was produced giving details of the accommodation and terms of sale, and a "for sale" board was erected within the grounds fronting the High Street. This brochure forwarded to parties on our commercial mailing list seeking A3/A4 premises, and distributed via Perfect Information Property to Agents based in London, East Anglia and the South East, and via the Estate Agents Clearing House email system.

The property was listed on our Mullucks Wells website, as well as Rightmove and Focus CoStar, with particulars available to download.

During the period of marketing, The Cabinet appeared in 14 adverts in local newspapers including the Herts & Essex Observer, Mercury, Cambridge News and Property Mart, which received no response.

### PRICE

As mentioned, The Cabinet was initially offered for sale at offers in excess of £495,000.

The quoting terms were altered a number of times during the marketing, including price reductions in November 2012, and April 2013 to £450,000 and £425,000 respectively, each subject to an overage agreement.

The property was offered to let on a full repairing and insuring lease, for a minimum term of 5 years. Offers were invited for the rent, and incentives such as a reduced initial rent to assist with decoration would be considered.

### INTEREST RECEIVED

As a result of the marketing undertaken, Mullucks Wells undertook 27 viewings with various parties including agents for a pub group, developers and restaurateurs. These viewings resulted in further discussions as:

|               |                                                                                                        |
|---------------|--------------------------------------------------------------------------------------------------------|
| Kier          | Offer made subject to change of use to residential. Rejected.                                          |
| Titmus        | Lease proposal discussed but unable to agree terms due to short term commitment and covenant strength. |
| Everard Cole  | Interest from pub group company, unable to agree terms despite numerous attempts.                      |
| Galvin/Scott  | Unable to agree leasehold terms.                                                                       |
| Carte Blanche | Agreed sale, solicitors instructed however purchaser failed to progress. Transaction aborted.          |



MullucksWells

Tait                      Subject to change of use to residential. Rejected.

As you can see a number of attempts were made at selling or letting the property to restaurant and public house uses without success. These transactions failed for a variety of reasons.

SUMMARY

The property had been offered for sale or to let as a commercial entity since July 2011. A range of occupiers have considered the property, including alternative uses and residential developers, or residential owner/occupiers. The majority of those who have viewed have found the location and restrictions of the building and its Listed status too challenging when considering their start up costs and projected income.

Mullucks Wells withdrew from the property for a variety of reasons, and we understand that the property remained for sale. We also understand that the property is now registered as an Asset of Community Value.

I trust the above gives sufficient information regarding the marketing undertaken for the property and a history of the interest received.

If you do require any further information then please do not hesitate to contact me.

Yours sincerely

**Kirstine Watkins**

01279 756644

[kwatkins@mullucks.co.uk](mailto:kwatkins@mullucks.co.uk)



## **NORTH HERTFORDSHIRE DISTRICT COUNCIL**

Town and Country Planning Acts

### **DECISION NOTICE**

**Correspondence Address:**

Mr M Cotton  
Architecture & Design Services Ltd.  
Parndon Mill  
Harlow  
CM20 2HP

**Applicant:**

Mr R Newman

---

#### **PARTICULARS OF DEVELOPMENT**

**Application:** 16/02113/1

**Proposal:** Change of use from A4 (Public house) to C3 (single dwelling)

**Location:** **The Cabinet, High Street, Reed, Royston, SG8 8AH**

**Refused Plan Nos:** 16/001/A/01A

---

#### **PARTICULARS OF DECISION**

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **REFUSE** the development proposed by you in your application received with sufficient particulars on 01/09/2016.

The reasons for the Council's decision to refuse permission are:

- 1 In the opinion of the Local Planning Authority the change of use of these premises to residential use would lead to the loss of a valuable community facility, the last public house in the village of Reed. The change of use therefore conflicts with the requirements of paragraphs 28 and 70 of the National Planning Policy Framework and Policy ETC7 of the North Hertfordshire Submission Local Plan (2011-2031).

#### **Proactive Statement**

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**Signed:**



Development & Conservation Manager

Development Management  
North Hertfordshire District Council  
Council Offices  
Gernon Road  
Letchworth  
Herts  
SG6 3JF

**Date:** 21 July 2017

### **NOTES**

- 1 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Planning Inspectorate at Suite C, 4th Floor, Spectrum Building, Bond Street, Bristol, BS1 3LG or online at [www.planningportal.gov.uk/planning/appeals](http://www.planningportal.gov.uk/planning/appeals)

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### **Purchase Notices**

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Appendix 5 – Copy of Listed Building Consent Application ref: 16/02129/1LB

Development Control,  
Council Offices  
Gernon Road  
Letchworth Garden City  
Hertfordshire  
SG6 3JF

architecture  
& design services ltd.

Parndon Mill | Harlow | Essex | CM20 2HP

T: 01279 444 904

E: info@aandds.co.uk

W: www.aandds.co.uk

Date: 23 August 2016  
Our ref: 16/001/A/mdc  
Your ref: PP 0542030

Dear Sirs

**RE: THE CABINET, HIGH STREET, REED, HERTS SG8 8AH**

We confirm having submitted a retrospective Listed Building Consent application for internal alterations of the above property via the Planning Portal comprising the following documents:

Completed Listed Building Consent Application forms  
Drawing nos 16/001/A/01

**Design & Access Statement and Background to the Application**

This statement forms part of the Listed Building Consent Application for internal alterations to the premises known as The Cabinet

The property offers more than adequate provision for car parking and access arrangements are unaltered from those that exist at present. Level access for disabled visitors is possible at the rear of the building where sanitary facilities are now provided.

When the applicant purchased the property in December 2015 it required urgent repairs to the fabric both in the historic part and in the newer extensions.

- 1 The structural stability of the front wall and roof was compromised at ground and first floor levels. A new stud partition was installed at ground floor level to tie the front wall to the chimney breast. A stud partition was installed at first floor level to tie the wall plates and purlins.
- 2 The above ground soil pipe located in the lounge area but serving the kitchen had been leaking. This had damaged the particle board cladding to the historic stud wall which would have formed the rear wall of the original building. The wastes were removed above ground and the floor made good. The particle board cladding was removed and the original stud work left exposed.
- 3 The staircase, forming part of an earlier extension to the historic building, was clad in plasterboard. This was removed and the staircase refurbished.
- 4 The adjacent stud partition at ground floor level was also removed in part to form new toilet facilities with new stud partitioning.
- 5 New sanitaryware was installed at first floor level. A new soil stack was installed and underground drainage laid to connect to the external soil drainage at the rear of the property.
- 6 The original brick paved floor in the ground floor side room was damaged and irregular. The bricks were lifted and relaid level.
  - 7 New kitchen fittings were installed in the kitchen.
- 8 New sanitaryware was installed in the beer cellar which is now used as a games room. The fittings is served by a Saniflo macerator which pumps the waste to the existing waste connection in the utility/laundry.
  - 9 The external doorway to the beer cellar has been filled with a frosted glass panel. The original door and frame are retained intact.
- 10 The premises have been redecorate completely using conservation paint products.

Yours faithfully



Mark Cotton BA (Arch) Dip Arch RIBA Chartered Architect  
Director

For and on behalf of

architecture & design services ltd.

arb  
Architects Registration Board



Correspondence address:  
 PO BOX 480, M33 0DE  
 Telephone: (01462) 474000  
 Text Phone: (01462) 474800

Application for listed building consent for alterations, extension or demolition of a listed building.  
 Planning (Listed Buildings and Conservation Areas) Act 1990

**Publication of applications on planning authority websites.**

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.  
 If you require any further clarification, please contact the Authority's planning department.

**1. Applicant Name, Address and Contact Details**

Title:  First Name:  Surname:

Company name:

Street address:

Town/City:  Telephone number:

Country:  Mobile number:

Postcode:  Fax number:

Email address:

Are you an agent acting on behalf of the applicant?  Yes  No

**2. Agent Name, Address and Contact Details**

Title:  First Name:  Surname:

Company name:

Street address:

Town/City:  Telephone number:

Country:  Mobile number:

Postcode:  Fax number:

Email address:

**3. Description of the Proposal**

Please describe the proposed works:

Has the work already started?  Yes  No If Yes, please state the date when the work was started:

Has the work been completed?  Yes  No If Yes, please state the date when the work was completed:

#### 4. Site Address Details

Full postal address of the site (including full postcode where available)

Description:

House:  Suffix:

House name:

Street address:

Town/City:

Postcode:

Description of location or a grid reference  
(must be completed if postcode is not known):

Easting:

Northing:

#### 5. Related Proposals

Are there any current applications, previous proposals or demolitions for the site?  Yes  No

If Yes, please describe and include the planning application reference number(s), if known:

#### 6. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?  Yes  No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title:  First name:  Surname:

Reference:

Date (DD/MM/YYYY):  (Must be pre-application submission)

Details of the pre-application advice received:

#### 7. Neighbour and Community Consultation

Have you consulted your neighbours or the local community about the proposal?  Yes  No

#### 8. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

Yes  No

## 9. Materials

No Material details were submitted for this application

## 10. Demolition

Does the proposal include total or partial demolition of a listed building?  Yes  No

## 11. Listed building alterations

Do the proposed works include alterations to a listed building?  Yes  No

If Yes, will there be works to the interior of the building?  Yes  No

Will there be works to the exterior of the building?  Yes  No

Will there be works to any structure or object fixed to the property (or buildings within its curtilage) internally or externally?  Yes  No

Will there be stripping out of any internal wall, ceiling or floor finishes (e.g. plaster, floorboards)?  Yes  No

If the answer to any of these questions is Yes, please provide plans, drawings and photographs sufficient to identify the location, extent and character of the items to be removed, and the proposal for their replacement, including any new means of structural support, and state references for the plan(s)/drawing(s).

State references for these plan(s)/drawing(s):

16/001/A/01

## 12. Listed Building Grading

If known, what is the grading of the listed building (as stated in the list of Buildings of Special Architectural or Historical Interest)?  Don't know  Grade I  Grade II\*  Grade II

Is it an ecclesiastical building?  Don't know  Yes  No

## 13. Immunity from Listing

Has a Certificate of Immunity from listing been sought in respect of this building?  Yes  No

## 14. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?  Yes  No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

The agent  The applicant  Other person

## 15. Certificates (Certificate A)

### Certificate of Ownership - Certificate A Certificate under Regulation 6 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/the applicant was the owner (*owner is a person with a freehold interest or leasehold interest with at least 7 years left to run*) of any part of the land or building to which the application relates.

Title:  First name:  Surname:

Person role:  Declaration date:   Declaration made

## 16. Declaration

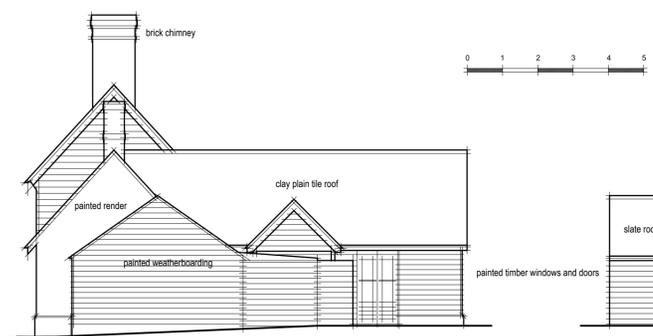
I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.



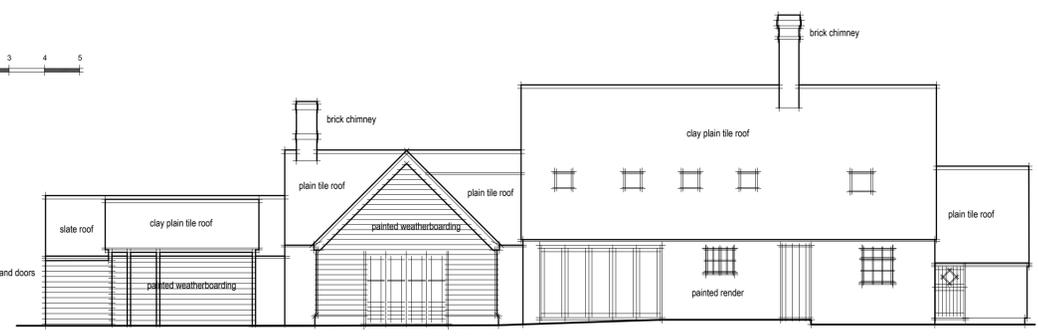
Date

24/08/2016

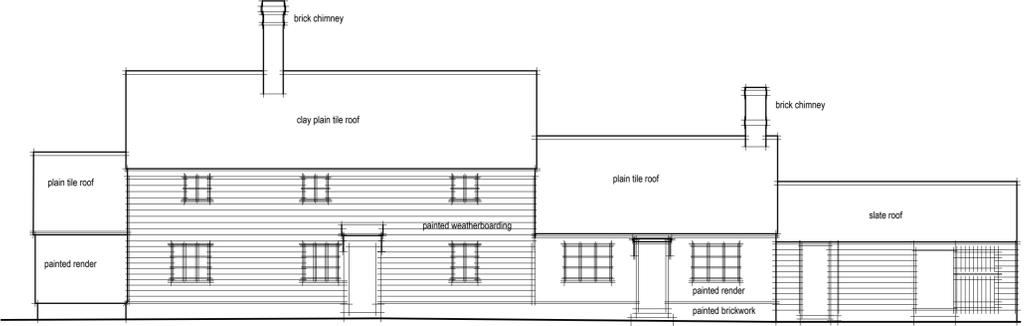
**NOTES / REVISIONS**  
 NOTE: THIS DRAWING MUST NOT BE SCALED.  
 ALL DIMENSIONS TO BE CHECKED ON SITE BY THE CONTRACTOR AND ANY DISCREPANCIES ARE TO BE REPORTED BACK TO THE ARCHITECTS A BEFORE WORK COMMENCES.



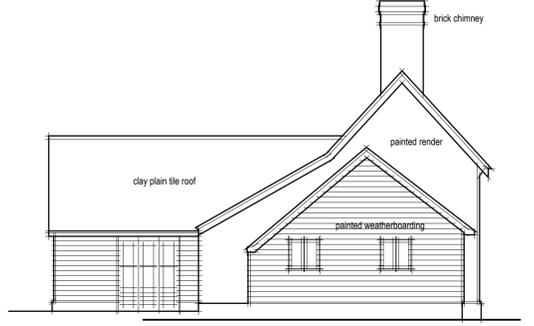
north elevation



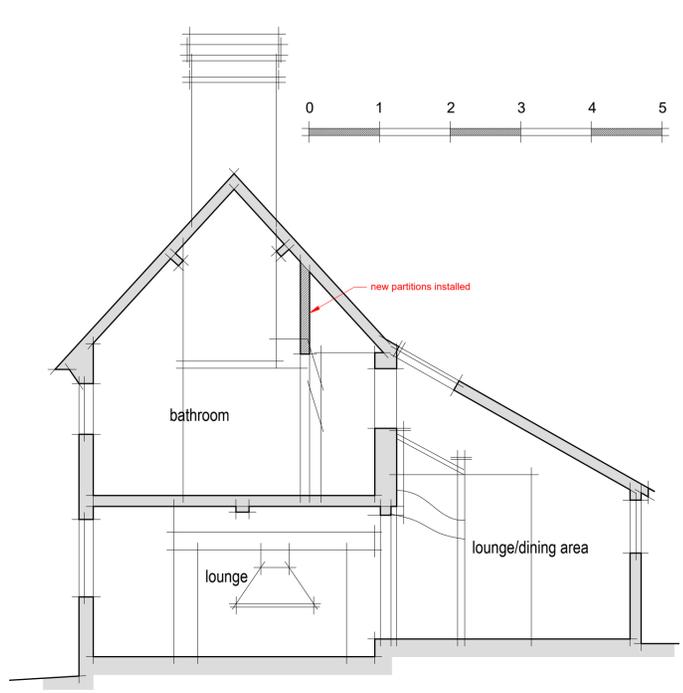
west elevation



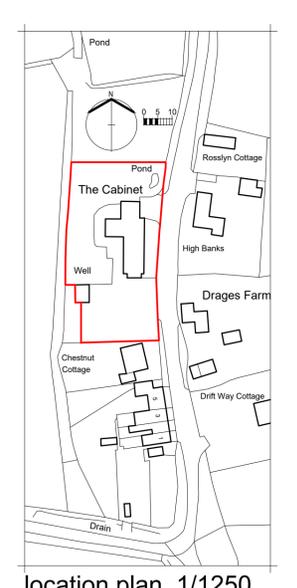
east elevation



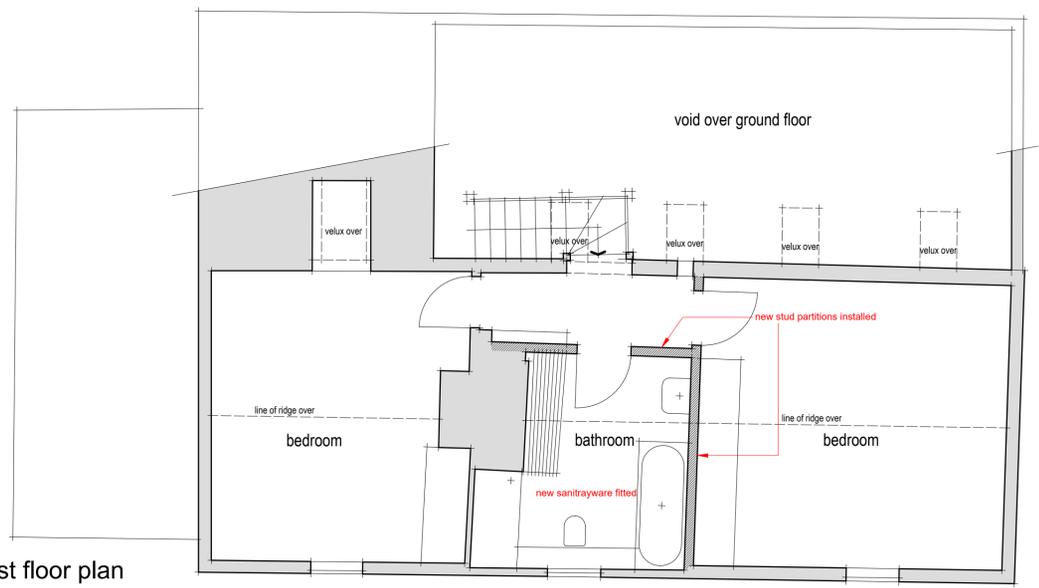
south elevation



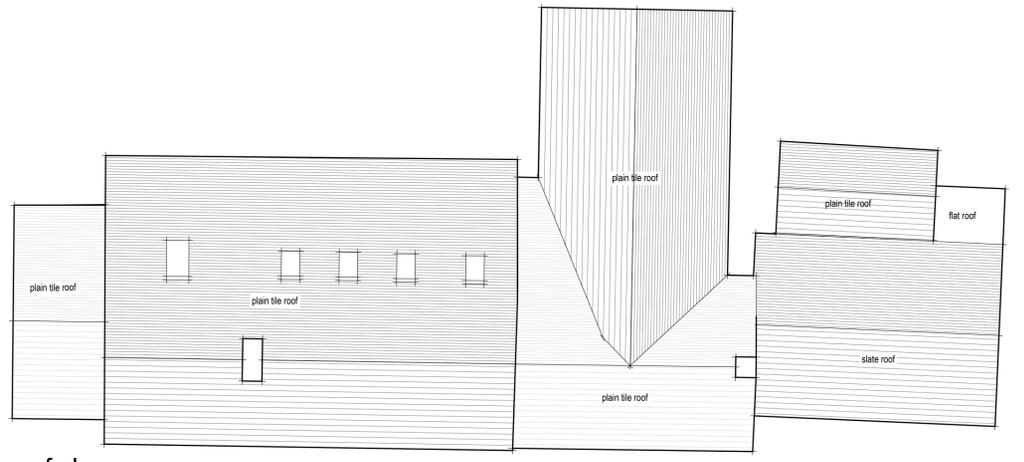
typical section



location plan 1/1250

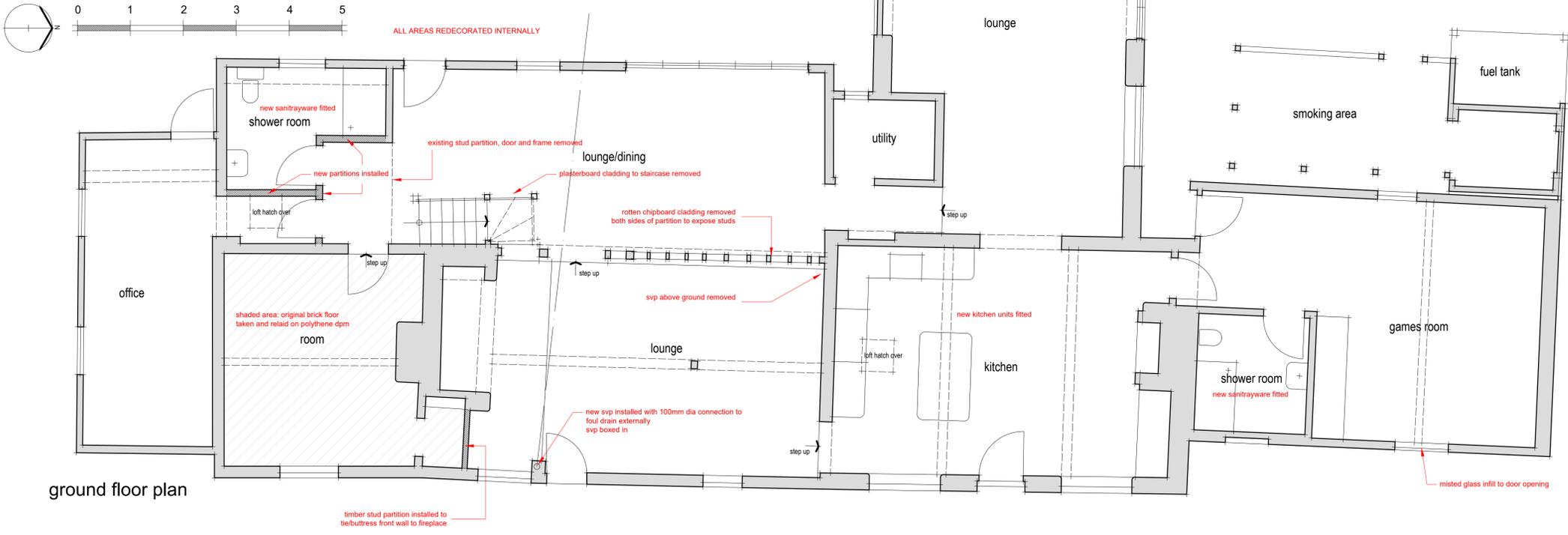


first floor plan



roof plan

PREMISES SHOWN AS SURVEYED ON 20 JULY 2016  
 WORKS UNDERTAKEN BY CURRENT OWNER WITHOUT LISTED BUILDING CONSENT SHOWN IN RED



ground floor plan

revision a: roof lights added to western elevation - 1st september 2016 - mvc

|                 |                                                        |          |
|-----------------|--------------------------------------------------------|----------|
| PROJECT:        | THE CABINET<br>HIGH STREET<br>REID<br>HERTS<br>SG8 8AH |          |
| DRAWING:        | EXISTING PLANS SECTION ELEVATIONS                      |          |
| DATE:           | AUG 2016                                               |          |
| SCALE:          | 1/50 1/100 at A1                                       |          |
| DRAWING NUMBER: | 16/001/A/01 A                                          |          |
| DRAWN BY:       | MVC                                                    | CHECKED: |

Appendix 6 – Copy of Listed Building Consent Application ref: 17/01524/1LB

Development Control,  
Council Offices  
Gernon Road  
Letchworth Garden City  
Hertfordshire  
SG6 3JF

architecture  
& design services ltd.

Parndon Mill | Harlow | Essex | CM20 2HP

T: 01279 444 904

E: info@aandds.co.uk

W: www.aandds.co.uk

Date: 13 June 2016  
Our ref: 16/001/A/mdc  
Your ref: PP 0614/225

Dear Sirs

**RE: THE CABINET, HIGH STREET, REED, HERTS SG8 8AH**

We confirm having submitted a retrospective Listed Building Consent application for internal alterations of the above property via the Planning Portal comprising the following documents:

Completed Listed Building Consent Application forms  
Drawing nos 16/001/A/02

**Design & Access Statement and Background to the Application**

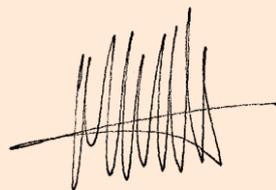
This statement forms part of the Listed Building Consent Application for internal alterations to the premises known as The Cabinet

The property offers more than adequate provision for car parking and access arrangements are unaltered from those that exist at present. Level access for disabled visitors is possible at the rear of the building where sanitary facilities are now provided.

When the applicant purchased the property in December 2015 it required urgent repairs to the fabric both in the historic part and in the newer extensions. In addition to the works for which Listed Building Consent has been sought (ref 16/0212/1LB) we wish to advise that the following works were also carried but were omitted from the earlier application in error.

1. Softwood matchboarding dado panelling was removed from the former dining area and the walls made good with plaster to match the walls generally.
2. Insulation was fitted between the rafters over the first floor accommodation and faced with plasterboard and lime render.

Yours faithfully



Mark Cotton BA (Arch) Dip Arch RIBA Chartered Architect  
Director  
For and on behalf of

architecture & design services ltd.



Application for listed building consent for alterations, extension or demolition of a listed building.  
 Planning (Listed Buildings and Conservation Areas) Act 1990

**Publication of applications on planning authority websites.**

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

**1. Applicant Name, Address and Contact Details**

Title:  First Name:  Surname:

Company name:

Street address:

Telephone number:

Mobile number:

Town/City:  Fax number:

Country:

Email address:

Postcode:

Are you an agent acting on behalf of the applicant?  Yes  No

**2. Agent Name, Address and Contact Details**

Title:  First Name:  Surname:

Company name:

Street address:

Telephone number:

Mobile number:

Town/City:  Fax number:

Country:  Email address:

Postcode:

**3. Description of the Proposal**

Please describe the proposed works:

Has the work already started?  Yes  No If Yes, please state the date when the work was started:

Has the work been completed?  Yes  No If Yes, please state the date when the work was completed:

#### 4. Site Address Details

Full postal address of the site (including full postcode where available)

Description:

House:  Suffix:

House name:

Street address:

Town/City:

Postcode:

Description of location or a grid reference  
(must be completed if postcode is not known):

Easting:

Northing:

#### 5. Related Proposals

Are there any current applications, previous proposals or demolitions for the site?

Yes  No

If Yes, please describe and include the planning application reference number(s), if known:

#### 6. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes  No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title:  First name:  Surname:

Reference:

Date (DD/MM/YYYY):  (Must be pre-application submission)

Details of the pre-application advice received:

#### 7. Neighbour and Community Consultation

Have you consulted your neighbours or the local community about the proposal?

Yes  No

#### 8. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

Yes  No

## 9. Materials

Please provide a description of existing and proposed materials and finishes to be used in the build (demolition excluded):

### Ceiling - description:

Description of *existing* materials and finishes:

none

Description of *proposed* materials and finishes:

plasterboard finished in lime render between exposed rafters

### Internal Walls - description:

Description of *existing* materials and finishes:

s.w. matchboarding to dado panelling

Description of *proposed* materials and finishes:

painting plaster

Are you supplying additional information on submitted plan(s)/drawing(s)/design and access statement?

Yes  No

## 10. Demolition

Does the proposal include total or partial demolition of a listed building?

Yes  No

## 11. Listed building alterations

Do the proposed works include alterations to a listed building?

Yes  No

If Yes, will there be works to the interior of the building?

Yes  No

Will there be works to the exterior of the building?

Yes  No

Will there be works to any structure or object fixed to the property (or buildings within its curtilage) internally or externally?

Yes  No

Will there be stripping out of any internal wall, ceiling or floor finishes (e.g. plaster, floorboards)?

Yes  No

If the answer to any of these questions is Yes, please provide plans, drawings and photographs sufficient to identify the location, extent and character of the items to be removed, and the proposal for their replacement, including any new means of structural support, and state references for the plan(s)/drawing(s).

State references for these plan(s)/drawing(s):

16/001/A/02

## 12. Listed Building Grading

If known, what is the grading of the listed building (as stated in the list of Buildings of Special Architectural or Historical Interest)?

Don't know  Grade I  Grade II\*  Grade II

Is it an ecclesiastical building?

Don't know  Yes  No

## 13. Immunity from Listing

Has a Certificate of Immunity from listing been sought in respect of this building?

Yes  No

## 14. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes  No

#### 14. Site Visit

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

- The agent     The applicant     Other person

#### 15. Certificates (Certificate A)

**Certificate of Ownership - Certificate A**  
**Certificate under Regulation 6 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990**

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/the applicant was the owner (*owner is a person with a freehold interest or leasehold interest with at least 7 years left to run*) of any part of the land or building to which the application relates.

Title:  First name:  Surname:

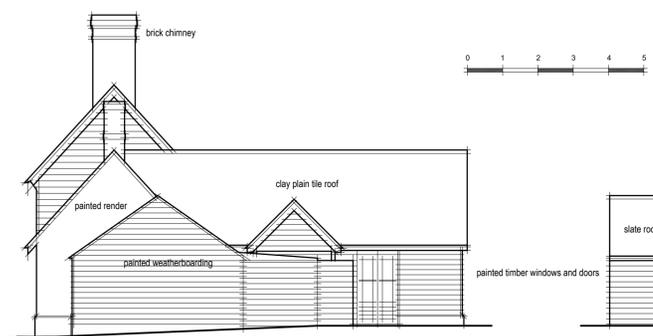
Person role:  Declaration date:   Declaration made

#### 16. Declaration

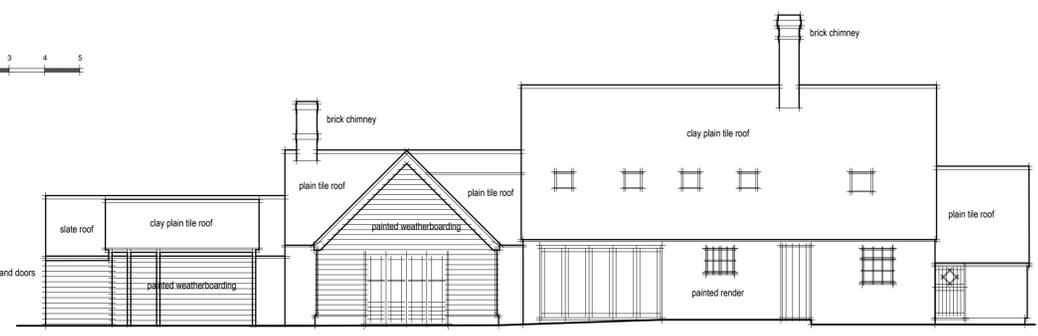
I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Date

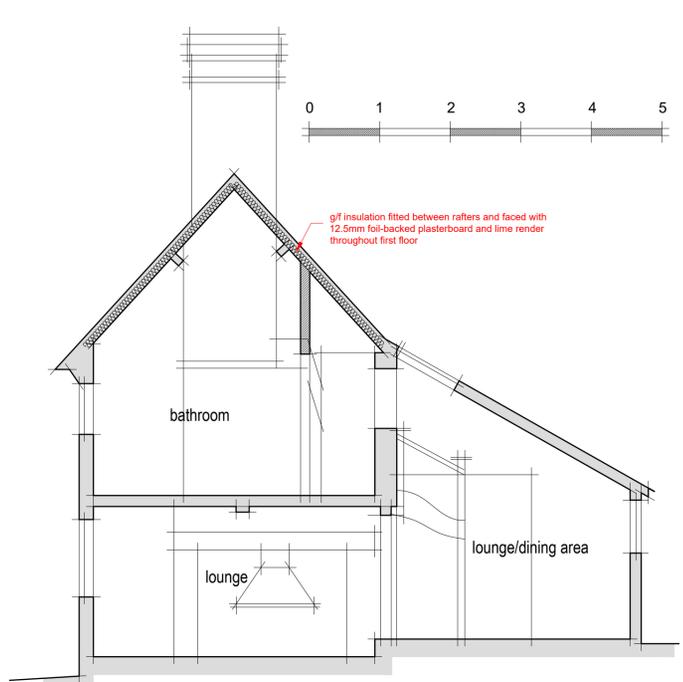
**NOTES / REVISIONS**  
 NOTE: THIS DRAWING MUST NOT BE SCALED.  
 ALL DIMENSIONS TO BE CHECKED ON SITE BY THE CONTRACTOR AND ANY DISCREPANCIES ARE TO BE REPORTED BACK TO THE ARCHITECTS A BEFORE WORK COMMENCES.  
 revision a: insulation of roof over Games Room added - mdc - 13 june 2017



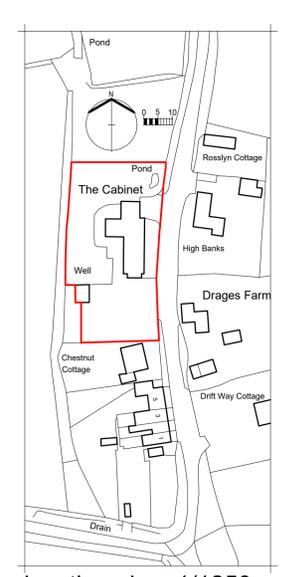
north elevation



west elevation



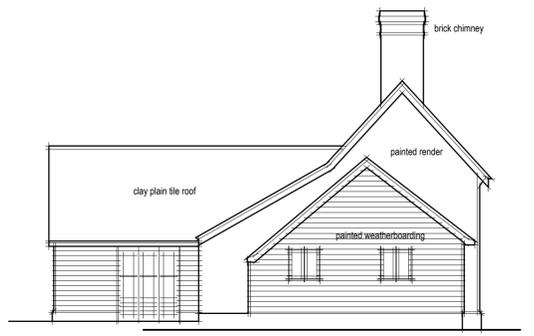
typical section



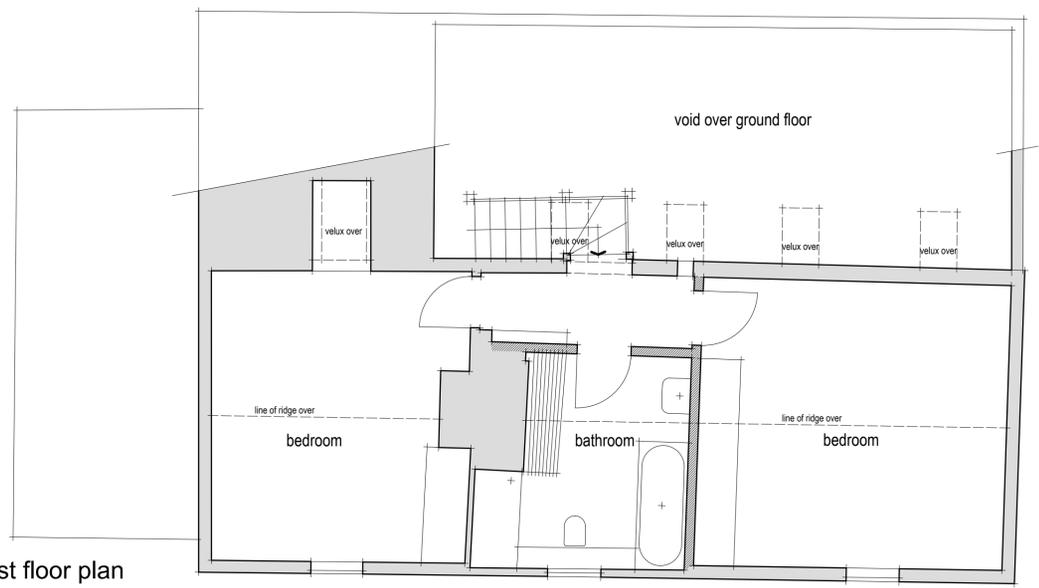
location plan 1/1250



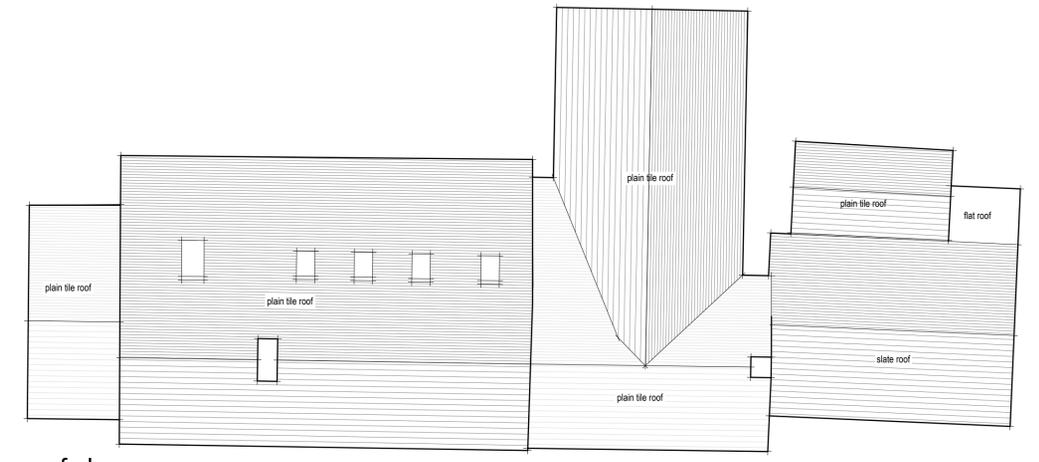
east elevation



south elevation

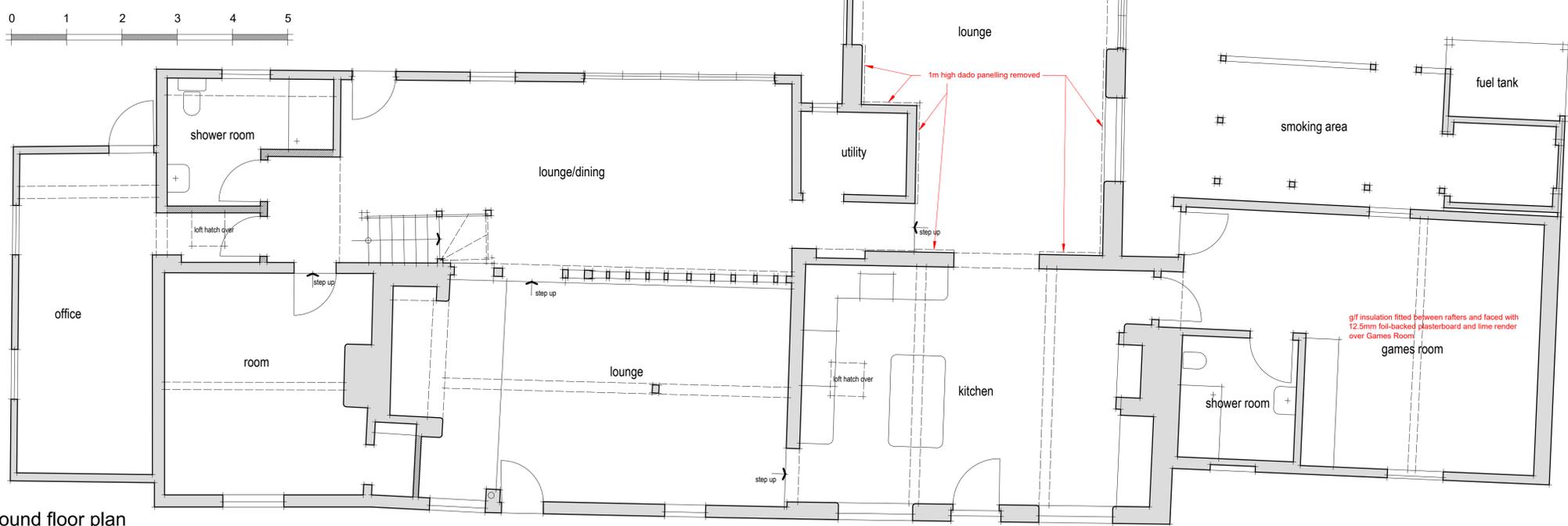


first floor plan



roof plan

PREMISES SHOWN AS SURVEYED ON 20 JULY 2016  
 WORKS UNDERTAKEN BY CURRENT OWNER WITHOUT LISTED BUILDING CONSENT SHOWN IN RED



ground floor plan

|                 |                                                        |  |
|-----------------|--------------------------------------------------------|--|
| PROJECT:        | THE CABINET<br>HIGH STREET<br>REID<br>HERTS<br>SG8 8AH |  |
| DRAWING:        | EXISTING<br>PLANS SECTION<br>ELEVATIONS                |  |
| DATE:           | JUNE 2017                                              |  |
| SCALE:          | 1/50 1/100 at A1                                       |  |
| DRAWING NUMBER: | 16/001/A/02 A                                          |  |

architecture & design services Ltd.  
 Pardon Mill | Harlow | Essex | CM20 2HP  
 T: 01279 444 904  
 E: info@sandds.co.uk  
 W: www.sandds.co.uk

Appendix 7 – Copy of Appeal Decision to refuse Planning Application ref: 16/02113/1

---

## Appeal Decision

Inquiry Held on 6, 7 & 8 November 2018

Site visit made on 8 November 2018

**by David Murray BA (Hons) DMS MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 December 2018**

---

**Appeal Ref: APP/X1925/W/17/3188914**  
**The Cabinet, High Street, Reed, SG8 8AH.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr R Newman against the decision of North Hertfordshire District Council.
  - The application Ref. 16/02113/1, dated 22 August 2016, was refused by notice dated 21 July 2017.
  - The development proposed is the change of use of the premises from public house (Use Class A4) to a single dwelling (Use class C3).
- 

### Decision

1. The appeal is dismissed

### Main Issues

2. Although the formal reason for refusal is reflected in the first main issue below, it is clear from the evidence submitted by the main parties and the 'Save the Cabinet Action Group (SCAG)', which has the status of a Rule 6 party, that there should be a further main issue concerning the effect of the proposed change of use on the significance of The Cabinet as a Listed Building and the effect on the significance of the Reed Conservation Area.
3. The main issues are therefore:
  - Whether the proposed change of use of the public house (The Cabinet) as a local community facility would meet the requirements of Policy ETC7 of the (emerging) North Hertfordshire Local Plan having regard to the criteria set out within the policy including the 'exception' provisions.
  - The effect of the proposed change of use on the significance of The Cabinet as a Listed Building, and on the significance of the Reed Conservation Area, and if harm is found to these heritage assets, the public benefits that have to be weighed against the level of harm.

### Reasons

#### *Background*

4. The appeal concerns the change of use of a public house, The Cabinet, which is situated in the village of Reed. Although its address is the High Street in

practice this is a narrow rural lane with grass verges on the eastern edge of the village. The site is located within an area comprising a few scattered residential properties, including two thatched houses, a farmstead and a short residential terrace. The Cabinet is a part two storey / part single storey timber clad building, with elevations painted a light colour, on the west side of the High Street and it is a Grade II Listed Building. It is also located in the Reed Conservation Area. The village of Reed has a population of about 300 people.

5. It is evident that The Cabinet had been a public house since at least 1806 but it ceased trading as such in 2011 and was vacant until the appellant bought it at an auction in October 2015 from the previous owners 'Albanwise'. The appellant's planning agent Ms Fitzgerald acknowledges that after carrying out essential repairs to the fabric of the building it was converted to a dwelling and has been occupied as a home since. The application is therefore retrospective.
6. Applications for Listed Building Consent for internal alterations to facilitate the proposed change of use were submitted to the Council under ref. 16/02129/1LB and 17/01542/1LB about the same time as the planning application. These applications remain with the Council for determination and are not the subject of this appeal.
7. The premises were registered as an Asset of Community Value (ACV) in April 2014 following a request from Reed Parish Council.

#### *Policy Context*

8. The development plan includes saved policies in the North Hertfordshire District Local Plan No2 with Alterations 1996 (now referred to as the 1996 LP). There are no relevant saved policies concerned with the appeal proposal. The Council is also preparing a new Local Plan 2011-2031 and a proposed Submission Version was published in October 2016 (the new LP). The new LP has now reached the examination stage and the Council advises that following receipt of the Examining Inspector's Interim Findings, the Council is expecting to publish a schedule of Main Modifications later in November 2018. These will be subject to consultation in a period between December and February 2019.
9. Individual policies in the emerging plan may be given weight now depending on the degree of unresolved objection being considered at examination and compliance with the terms of the National Planning Policy Framework (NPPF). The NPPF was re-issued in July 2018, under the transitional arrangements the examination will consider the plan's provisions under the original 2012 version. However, this s78 appeal has to have regard to the updated version of the NPPF and so all references made will be to the 2018 document unless otherwise stated.
10. New LP Policy ETC7 is concerned with scattered shops and community facilities in towns and villages. I am satisfied that it broadly accords with the provisions of the NPPF especially paragraphs 83(d) and 92(c) the latter of which says that in order to provide the social, recreational and cultural facilities and services that the community needs, planning decisions 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.

11. From the updated evidence submitted by the Council it appears that the outstanding objections to the policy do not concern the application of it to the circumstances of The Cabinet as a public house in Reed. Further, the alterations proposed as a Main Modification do not amend the substance of the policy and therefore I propose to deal with Policy ETC7 as per the Submission Version. Having regard to all of these policy aspects I agree with the conclusions of the main parties at the Inquiry that Policy ETC7 should be given significant weight at this stage as a material consideration.
12. Other policies in the emerging plan relevant to this case are Policy SP13 concerning the historic environment and HE1 concerning designated heritage assets.

*Accord with Policy ETC7*

13. Before discussing the accord with this policy itself, it is fair to say that there is some ambiguity within it, particularly the final exception paragraph, which was discussed at the inquiry. The policy has to be considered on a simple reading of the words involved, using their ordinary meaning, and having regard to the overall purpose of the policy. In this context my reading of the exception test in the final paragraph is as follows: that the vacancy in the (lawful) use of the premises; documentary evidence on viability; and attempts to sell the premises; should all cover the same period of at least one year and that period should just (reasonably) precede the time when the proposal to change the use is made. In this case, the evidence required would primarily need to cover at least the one year period before the application was submitted i.e. before August 2016, although it is also reasonable for me to consider relevant circumstances in the period up to the Council's decision and the intervening periods leading up to the Inquiry.
14. The second paragraph onwards of Policy ETC7 is relevant to the case and indicates that the loss of facilities outside of the defined retail hierarchy will be granted where specific criteria are met. I will consider these in turn.
  - (a) *Other similar facilities available*
15. It is common ground that there are no other public houses in the village of Reed itself nor within a convenient walking distance for customers, therefore, clause (a) of the policy is not met. I note that there are some 13 public houses within a radius of 3 miles of the appeal site, however, it was not argued that these were a convenient alternative to previous customers of The Cabinet.
  - (b) *Whether the replacement use would complement the function and character of the area.*
16. The evidence given by Mr Roberts for the Council and Ms Ingram for SCAG was that this criteria is not met as the replacement use would result in the loss of the public house which would harm the function and character of the area. However, my reading of this part of the policy is that it refers to the general nature of the use that is proposed as a replacement rather than the one that would be lost. I saw at the site visit that the area around the appeal site is mainly residential in character, albeit that existing houses are

dispersed on the edge of a rural village. I am satisfied that the residential use proposed would complement the function and character of the area, notwithstanding the issue over the loss of the lawful use as a public house. I find that the proposal meets this criterion.

17. The final paragraph of the policy puts forward criteria as an exception to (a) above and I will consider the components of the exception having regard to the interpretation I have set out in paragraph 13 above.

*Period and nature of vacancy*

18. The Cabinet has been vacant since 2011 but it has been occupied by the appellant as a dwelling since being repaired following his purchase at auction in October 2015. To my mind this unauthorised different use for at least 6 months before the application was submitted is a material incursion into the specified vacancy period in which the public house had to be tested on viability and attempts to sell. On this basis alone I consider that the proposal fails the exception test set out in the policy. However, in case I have misinterpreted that I need to consider the other factors.

*Marketing*

19. The exception criterion refers to reasonable attempts to sell or let the premises and this can be described as 'marketing'. All of the evidence presented on marketing relates to that carried out on behalf of the previous owners of the Cabinet - Albanwise, and which culminated in the sale at auction. The marketing that was carried out prior to the auction is summarised in the letter of 4 March 2016 from the joint selling agents Mullocks Wells (MW) (Core Document (CD) 1.2)
20. As background I understand that Albanwise paid £645,000 for The Cabinet in 2007. When it was put up for sale in 2012 there were no offers when initially offered for sale at £495,000. Some 27 enquires were made during the period of MW marketing until 2014. However, the initial interest failed to materialise into a purchase. The Cabinet was put to auction in 2015 and a brochure for the auction indicated a guide price of £350,000+. Mr Newman's bid of £375,000 was the only bid at the auction and was successful.
21. Although Mr Roberts for the Council considers that the comprehensiveness and robustness of the marketing process are inadequate I do not take issue with these aspects, which were undertaken by professional companies, or the fact that the premises were marketed for a different owner. However, I am concerned that the marketing period is substantially out of step with the period concerning the other factors required in the testing of the premises in the context of the my reading of the policy as I outlined in paragraph 13 above.
22. Moreover, I am concerned that the marketing of the public house at the auction raised an expectation of 'hope value' above its true value based on the lawful use. After mentioning that some renovation/modernisation is required the brochure indicated "This is a great opportunity to refurbish or convert the existing property and offers excellent potential to develop (STPP)" Presumed to mean 'subject to planning permission'. This may well be standard practice by auctioneers as suggested by Mr Spelman for the appellant, and at that stage I recognise that the premises were not being

tested to accord with the process laid out in the policy, but only to try and recoup some of Albanwise's investment. However, to my mind this casts serious doubt over the appropriateness of the marketing that took place.

23. On the marketing issue I find that the evidence presented does not demonstrate that the timing and nature of the marketing meets the requirement of the exception test in Policy ETC7.

*Evidence on viability*

24. The issue of viability is a broad subject made more difficult by the fact that The Cabinet ceased trading as a public house in 2011 and so there is no up-to-date documentary evidence on trading accounts or on consumer expenditure to help assess viability. There are many assessments of viability before me which I will consider in a moment but it is fair to say that each involves a professional assessment of the viability of the premises, based on many economic variables as considered appropriate, and it is not my role to substitute my own opinion. I will therefore concentrate on the range of assessments and where the differences lie.
25. At the time of the Council's consideration of the application, there was a viability assessment in the Culverhouse report (22 November 2016) prepared as part of the appellant's case in support of the planning application. This was independently assessed by Trinity Solutions (12 December 2016) on behalf of the Council. Both assessments concluded that The Cabinet would not be viable again as a public house and it is apparent that this factor was critical in the planning officer's recommendation of approval. The planning committee also had to consider the representations from SCAG and others that a pub could be viable including when run as a social or community funded social enterprise.
26. Since the refusal of planning permission and the lodging of the appeal, further reports on viability or assessments of the reports have been prepared by Mr Spelman (20 October 2017) for the appellant; Mr Nichols for SCAG and Mr Roberts for the Council. Further, the additional spreadsheet prepared by Nichols gives a useful comparison of the assessments, transposing the data assumptions, although I appreciate the concerns about such comparisons being 'parachuted in'.
27. As a comparison of the potential public house business in the premises in terms of a 'net profit before repayments' the Culverhouse valuation indicates that there would be an annual loss of just over £8,000 whereas the other valuations show a potential small profit ranging from almost £24,000 to £75,000. Further, the respective deficit or profit is increased when repayment of loans and interest on capital is taken into consideration, with the worst case being a £67,000 annual deficit.
28. However it appears to me that Mr Spelman's approach of fixing the market value of The Cabinet at £350,000 unduly influences the rest of the valuation assessment. Whilst this is about the figure that was paid at auction, for the reasons I gave in paragraph 22 above, I consider that it does not reflect the true market value based on the lawful use of the property. A similar stance on examining the true market value is reflected in the appeal decisions put to

me<sup>1</sup>. Further, there is clear evidence to show that at a significantly lower purchase price it is likely that a public house use could be viable. It also appears to me that the costs of repairs used by Mr Spelman are relatively high and exceed the costs based on the repair and refurbishment of the public house and should not include the costs associated with the removal of the use as a dwelling house. On the technical evidence put to me I conclude that I have to place more weight on the evidence of Mr Roberts and Mr Nicholls than on Mr Spelman's.

29. In addition to the technical assessments of viability two other factors regarding viability are relevant. First Mr Martin gave evidence as the previous tenant/chef of The Cabinet from 2008 until it closed in 2011. He said that at that time the business was doing steady trade and was viable. The only reason why the pub closed was because of the unlawful actions of a member of staff which he could not rectify. Nevertheless, he was sure that a pub business could be viable and successful in the premises.
30. Secondly, Mr Langley, Chair of Reed Parish Council, gave evidence that the parish council has secured approval to borrow £400,000 from the Public Works Loan Board (£250,000 specified in the letter of 17 May 2018 from MHCLG<sup>2</sup>) to be used on the purchase and reinstatement of The Cabinet as a public house. The parish council's application was supported by a business plan which demonstrated that the pub would be viable and how the loan would be repaid. Mr Langley said that the fact that the MHCLG granted the application was an indication that their assessment of the future viability of a pub was sound and that the Council had credibility as a borrower. There was also the possibility of a 'white knight' becoming involved in the purchase and running of a pub for community use, as suggested by Mr Goddard who had made an offer to buy the pub before the auction, but such altruism has to be treated with caution. Ms Fitzgerald's evidence for the appellant mentioned the case of the White Lion public house in St Leonards<sup>3</sup> where a third party interest to revive the pub failed to materialise after the appeal was dismissed.
31. Bringing the evidence on viability together, there is clear difficulty in assessing this aspect as The Cabinet has not been trading as a public house for some seven years and as a consequence assessments of the future viability of a pub use now are hypothetical. Further, there is a diverse range of professional opinions about whether such a use could ever be viable. However, also taking account of the evidence of the last tenant/chef and the parish council in securing a means of funding for the potential purchase of The Cabinet as a public house for the community, it appears to me that there is sufficient evidence to conclude that there are reasonable circumstances in which the use as a public house could be viable. I conclude that on balance it has not been demonstrated that the reinstatement of the lawful use could not be viable.
32. Overall on this issue I conclude that in respect of Policy ETC7 the presumption in favour of the loss of a local facility is not justified because there is no similar alternative facility available within reasonable walking distance under part (a) of the policy, and while part (b) is met, the proposed

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<sup>1</sup> APP/P0240/A/13/2198005; APP/X1925/W/16/3154355; APP/D3125/A/10/2134643

<sup>2</sup> Ministry of Housing, Communities and Local Government, Local Authority Capital Finance and Reserves)

<sup>3</sup> APP/X0415/C/15/3130705

change of use of The Cabinet to a house would fail the exception test. Within this, it has not been demonstrated that there have been reasonable attempts to sell or let the premises for a similar use within the stated period; neither has The Cabinet been vacant as a public house within the whole test period; nor has a lack of future viability been demonstrated.

*Effect on the significance of the Listed Building and the Reed Conservation Area*

33. The evidence of Mr Copp for the appellant and Ms Ingram for SCAG describes in great detail the historic and architectural qualities and overall significance of The Cabinet as a listed building and on its significance in the Reed Conservation Area. It is common ground with these parties that the change of use of the Cabinet results in 'less than substantial harm' to the Reed Conservation Area.
34. Concentrating on the effect on the significance of the listed building, SCAG says that the change of use proposed would result in the complete loss of the communal value of The Cabinet and therefore should be regarded as the total loss of this heritage asset leading to 'substantial harm' as addressed in paragraph 195 of the NPPF. However, national guidance in the Planning Practice Guidance<sup>4</sup> (PPG) recognises that 'substantial harm' is a high test so it may not arise in many cases. Further it is important to consider whether the adverse impact seriously affects a key element of its special architectural or historic interest. I recognise that the 'community value' of the public house use is an essential part of its significance, however, this needs to be considered in the round and not as a special aspect of greater significance than the other historic and architectural aspects. It is generally agreed that the change of use will not affect the architecture and setting of The Cabinet bearing in mind that the applications for the alternations to the internal fabric of the building are not before me.
35. In applying the general duty on me set out in section 66 and 72 of the 1990 Act<sup>5</sup> I think that it is more appropriate to consider the effect in the holistic way that the appellant's team suggests. I find that the change of use would harm the significance of The Cabinet as a listed building but this harm amounts to 'less than substantial harm'. The test set out in paragraph 196 of the NPPF therefore applies so that the harm is weighed against the public benefits in respect of both the heritage asset of the Listed Building and the Reed Conservation Area.
36. I recognise that the conversion of The Cabinet to a house has resulted in the repair of the building which is a public benefit given that the evidence shows that the fabric of the building deteriorated when closed. However, I have concluded in part under the first issue that the Cabinet could be viable as a public house. This represents the optimum viable use. Therefore, the reinstatement of this would secure its significance as a local heritage asset.
37. Overall I find on this issue that the less than substantial harm to the Listed Building and significance of the Conservation Area that the proposal would cause is not outweighed by the public benefits put forward. As the proposal would not secure the conservation and preservation of the heritage asset in

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<sup>4</sup> Paragraph 016 (Reference ID 18a-016-20140306)

<sup>5</sup> Planning (Listed Buildings and Conservation Areas) Act 1990

the long term the proposal would conflict with Policy HE1(a) of the emerging new LP.

*Other considerations*

38. SCAG submits that the unauthorised change of use of The Cabinet to a dwelling house constitutes 'intentional unauthorised development' (IUD) as set out in the Written Ministerial Statement (WMS) dated 17 December 2015 (as referred to in the Chief Planner's letter of 31 August 2015) and which was confirmed by the Minister<sup>6</sup> on the 29 October 2018 as a potential material consideration in a planning case.
39. In this case, the appellant Mr Newman did not give evidence himself at the inquiry and consequently I do not know his true intentions when he bought The Cabinet at auction and then started to repair the building before the premises were converted to a dwelling house. I understand from the evidence of others and from written representations that the appellant is a developer/builder but is also a licensee and has an interest in a public house elsewhere. On the evidence available I cannot be sure that the appellant only had an intention to carry out unauthorised development and so I cannot place much weight on this aspect in the planning balance.

*Planning balance*

40. The proposal needs to be considered in the context that the existing development plan is silent on the main issues that are involved in this case. However, Policy ETC7 in the emerging LP is a material consideration that carries significant weight. I have found that the proposal to change the use of The Cabinet conflicts with this policy as there is no similar alternative facility within reasonable walking distance under part (a) and for a number of reasons the change of use does not meet the stated requirements of the exception test that follows within the policy. The proposal therefore constitutes the loss of a community facility without overriding justification. This loss also conflicts with the guidance set out in paragraphs 83(d) and 92 (c) of the NPPF.
41. In respect of the second issue I have found that the proposed change of use would result in less than substantial harm to the significance of The Cabinet as a Listed Building and to the significance of the Reed Conservation Area as heritage assets and great weight should be given to the conservation of these assets. However, this harm is not outweighed by public benefits including securing the optimum viable use for the premises. There is conflict with emerging policy HE1 to which substantial weight should be given as it is in conformity with national policy.
42. These adverse factors have to be balanced with the positive aspects of the development but these are limited in that they only arise from the private use of a single dwelling house for the appellant and the repair of the fabric of the building itself.
43. I find that the conflict with emerging LP policies, and the policy of the NPPF that I have mentioned, clearly outweigh the benefits and this indicates that planning permission should not be granted for the change of use, as set out in paragraph 11(d)(i) of the NPPF.

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<sup>6</sup> Kit Malthouse MP, Minister of State, MHCLG.

44. I recognise that such a decision may result in the appellant being faced with the loss of his home. This would be an interference with his human rights. However, such rights are qualified rights and have to be balanced with other considerations. I am satisfied that a refusal of permission on the planning merits of the proposal is reasonable and necessary in the public interest and it is therefore not a disproportionate interference.

**Conclusions**

45. For the reasons given above I conclude that the appeal should be dismissed.

*David Murray*

INSPECTOR



## **DOCUMENTS HANDED IN AT THE INQUIRY**

- 1 Copy of the Ms Foster's Opening Submissions for the Council.
- 2 Copy of Mr Henderson's Opening Statement on behalf of SCAG.
- 3 Update from the Council on the emerging LP and proposed modifications to Policy ETC7.
- 4 Schedule of comparative valuations from Mr Nichols on behalf of SCAG.
- 5 Copy of RICS Practice Standards re The capital and rental Valuation of public houses, bars, restaurants and night clubs (2010).
- 6 Closing for the Council
- 7 Closing for SCAG
- 8 Closing for the Appellant

Appendix 8 – Copy of Planning (ref: 19/00341/FP) and Listed Building Consent (19/00342/LBC) Applications.

Development Control,  
Council Offices  
Gernon Road  
Letchworth Garden City  
Hertfordshire  
SG6 3JF

Parndon Mill | Harlow | Essex | CM20 2HP

T: 01279 444 904

E: info@aandds.co.uk

W: www.aandds.co.uk

Date: 11 February 2016  
Our ref: 16/001/A/mdc  
Your ref: PP 16/001/A/03

Dear Sirs

**RE: THE CABINET, HIGH STREET, REED, HERTS SG8 8AH**

We confirm having submitted a Planning and Listed Building Consent application for subdivision of the property, change of use of part to a dwellinghouse and for internal alterations of the above property via the Planning Portal comprising the following documents:

Completed Listed Building Consent Application forms  
Drawing nos 16/001/A/01B – EXISTING  
16/001/A/03 PROPOSED  
Heritage Statement 2016

**Design Statement and Background to the Application**

This statement forms part of planning application for subdivision of the premises and change of use and the Listed Building Consent Application for internal alterations to the premises known as The Cabinet

The property offers more than adequate provision for car parking and access arrangements are unaltered from those that exist at present. The existing car parking comprises space for 22nr car serving a public house with a floor space of 240m<sup>2</sup>. It is proposed to form a parking area marked out for 13nr cars at the northern end of the site which, with the two existing spaces at the front of the premises, would serve the proposed reduced public house floor space of 8m<sup>2</sup>. The proposed dwelling would have two spaces adjacent to the southern end of the building.

Level access for disabled visitors is available at the rear of the building.

When the applicant purchased the property in December 2015 it required urgent repairs to the fabric both in the historic part and in the newer extensions.

1. The structural stability of the front wall and roof was compromised at ground and first floor levels.  
A new stud partition was installed at ground floor level to tie the front wall to the chimney breast.  
A stud partition was installed at first floor level to tie the wall plates and purlins.
2. The above ground soil pipe located in the lounge area but serving the kitchen had been leaking.  
This had damaged the particle board cladding to the historic stud wall which would have formed the rear wall of the original building. The wastes were removed above ground and the floor made good. The particle board cladding was removed and the original stud work left exposed.
3. The staircase, forming part of an earlier extension to the historic building, was clad in plasterboard. This was removed and the staircase refurbished.
4. The adjacent stud partition at ground floor level was also removed in part to form new toilet facilities with new stud partitioning.
5. New sanitaryware was installed at first floor level. A new soil stack was installed and underground drainage laid to connect to the external soil drainage at the rear of the property.
6. The original brick paved floor in the ground floor side room was damaged and irregular. The bricks were lifted and relaid level.  
New kitchen fittings were installed in the kitchen.
8. New sanitaryware was installed in the beer cellar which is now used as a games room. The fittings is served by a Saniflo macerator which pumps the waste to the existing waste connection in the utility/laundry.  
The external doorway to the beer cellar has been filled with a frosted glass panel. The original door and frame are retained intact.
10. Softwood matchboarding dado panelling was removed from the former dining area and the walls made good with plaster to match the walls generally.
11. Level ceilings were removed and insulation was fitted between the rafters over the first floor accommodation and faced with plasterboard and lime render.
12. Level ceilings were removed and insulation was fitted between the rafters over the Games Room and faced with plasterboard and lime render.

13 The premises have been redecorated completely using conservation paint products

Listed Building Consent was refused at appeal for the above works along with planning permission for change of use of the whole premises to a dwellinghouse

The works proposed to effect the subdivision of the property are shown on the drawings and described in more detail in the Heritage Statement

We understand that the proposed Public House space has been offered to the local Parish Council on a peppercorn rent or such other terms as the current owner and the Parish Council may agree for use as a Community Asset

Yours faithfully

A handwritten signature in black ink, consisting of a series of vertical, slightly wavy lines that resemble the letter 'M', with a horizontal line crossing through the middle.

Mark Cotton BA Arch Dip Arch RIBA Chartered Architect  
Director  
*For and on behalf of*

**architecture & design services ltd.**



Correspondence address:

North Hertfordshire District Council, PO Box 10613, Nottingham, NG6 6DW

Telephone: (01462) 474000

Text Phone: (01462) 474800

DX324201, Nottingham 59

Application for Planning Permission and listed building consent for alterations,  
extension or demolition of a listed building.  
Town and Country Planning Act 1990  
Planning (Listed Buildings and Conservation Areas) Act 1990

**Publication of applications on planning authority websites.**

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

**1. Site Address**

|                |                      |
|----------------|----------------------|
| Number         | <input type="text"/> |
| Suffix         | <input type="text"/> |
| Property name  | The Cabinet          |
| Address line 1 | High Street          |
| Address line 2 | <input type="text"/> |
| Address line 3 | <input type="text"/> |
| Town/city      | Reed                 |
| Postcode       | SG8 8AH              |

Description of site location must be completed if postcode is not known:

|              |        |
|--------------|--------|
| Easting (x)  | 536394 |
| Northing (y) | 236053 |

Description

**2. Applicant Details**

|                |                          |
|----------------|--------------------------|
| Title          | Mr                       |
| First name     | Richard                  |
| Surname        | Newman                   |
| Company name   | <input type="text"/>     |
| Address line 1 | The Cabinet, High Street |
| Address line 2 | <input type="text"/>     |
| Address line 3 | <input type="text"/>     |
| Town/city      | Reed                     |

## 2. Applicant Details

|                  |                                      |
|------------------|--------------------------------------|
| Country          | <input type="text"/>                 |
| Postcode         | <input type="text" value="SG8 8AH"/> |
| Primary number   | <input type="text"/>                 |
| Secondary number | <input type="text"/>                 |
| Fax number       | <input type="text"/>                 |
| Email address    | <input type="text"/>                 |

Are you an agent acting on behalf of the applicant?

Yes  No

## 3. Agent Details

|                  |                                                                      |
|------------------|----------------------------------------------------------------------|
| Title            | <input type="text" value="Mr"/>                                      |
| First name       | <input type="text" value="Mark"/>                                    |
| Surname          | <input type="text" value="Cotton"/>                                  |
| Company name     | <input type="text" value="architecture &amp; design services ltd."/> |
| Address line 1   | <input type="text" value="Parndon Mill"/>                            |
| Address line 2   | <input type="text"/>                                                 |
| Address line 3   | <input type="text"/>                                                 |
| Town/city        | <input type="text" value="Harlow"/>                                  |
| Country          | <input type="text" value="United Kingdom"/>                          |
| Postcode         | <input type="text" value="CM20 2HP"/>                                |
| Primary number   | <input type="text" value="01279444904"/>                             |
| Secondary number | <input type="text"/>                                                 |
| Fax number       | <input type="text"/>                                                 |
| Email            | <input type="text" value="info@aandds.co.uk"/>                       |

## 4. Description of the Proposal

Please describe details of the proposed development or works including details of proposals to alter, extend or demolish the listed building(s).

If you are applying for Technical Details Consent on a site that has been granted Permission In Principle, please include the relevant details in the description below.

Has the development or work already been started without consent?

Yes  No

## 5. Listed Building Grading

What is the grading of the listed building (as stated in the list of Buildings of Special Architectural or Historical Interest)?

## 5. Listed Building Grading

- Don't know  
 Grade I  
 Grade II\*  
 Grade II

Is it an ecclesiastical building?

Don't know  Yes  No

## 6. Demolition of Listed Building

Does the proposal include the partial or total demolition of a listed building?

Yes  No

## 7. Immunity from Listing

Has a Certificate of Immunity from Listing been sought in respect of this building?

Yes  No

## 8. Listed Building Alterations

Do the proposed works include alterations to a listed building?

Yes  No

**If Yes, do the proposed works include**

a) works to the interior of the building?

Yes  No

b) works to the exterior of the building?

Yes  No

c) works to any structure or object fixed to the property (or buildings within its curtilage) internally or externally?

Yes  No

d) stripping out of any internal wall, ceiling or floor finishes (e.g. plaster, floorboards)?

Yes  No

If the answer to any of these questions is Yes, please provide plans, drawings and photographs sufficient to identify the location, extent and character of the items to be removed. Also include the proposal for their replacement, including any new means of structural support, and state references for the plan(s)/drawing(s).

16/001/A/01B

## 9. Materials

Does the proposed development require any materials to be used in the build?

Yes  No

## 10. Site Area

What is the measurement of the site area?  
(numeric characters only).

1980

Unit

sq.metres

## 11. Existing Use

Please describe the current use of the site

Public House

Is the site currently vacant?

Yes  No

**Does the proposal involve any of the following? If Yes, you will need to submit an appropriate contamination assessment with your application.**

Land which is known to be contaminated

Yes  No

Land where contamination is suspected for all or part of the site

Yes  No

## 11. Existing Use

A proposed use that would be particularly vulnerable to the presence of contamination

Yes  No

## 12. Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicular access proposed to or from the public highway?

Yes  No

Is a new or altered pedestrian access proposed to or from the public highway?

Yes  No

Are there any new public roads to be provided within the site?

Yes  No

Are there any new public rights of way to be provided within or adjacent to the site?

Yes  No

Do the proposals require any diversions/extinguishments and/or creation of rights of way?

Yes  No

## 13. Vehicle Parking

Is vehicle parking relevant to this proposal?

Yes  No

Please provide information on the existing and proposed number of on-site parking spaces

| Type of vehicle | Existing number of spaces | Total proposed (including spaces retained) | Difference in spaces |
|-----------------|---------------------------|--------------------------------------------|----------------------|
| Cars            | 22                        | 14                                         | -8                   |

## 14. Foul Sewage

Please state how foul sewage is to be disposed of:

- Mains Sewer  
 Septic Tank  
 Package Treatment plant  
 Cess Pit  
 Other  
 Unknown

Are you proposing to connect to the existing drainage system?

Yes  No  Unknown

## 15. Assessment of Flood Risk

Is the site within an area at risk of flooding? (Refer to the Environment Agency's Flood Map showing flood zones 2 and 3 and consult Environment Agency standing advice and your local planning authority requirements for information as necessary.)  Yes  No

**If Yes, you will need to submit a Flood Risk Assessment to consider the risk to the proposed site.**

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)?

Yes  No

Will the proposal increase the flood risk elsewhere?

Yes  No

**How will surface water be disposed of?**

- Sustainable drainage system  
 Existing water course  
 Soakaway  
 Main sewer

## 15. Assessment of Flood Risk

Pond/lake

## 16. Trees and Hedges

Are there trees or hedges on the proposed development site?  Yes  No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?  Yes  No

If Yes to either or both of the above, you may need to provide a full tree survey, at the discretion of your local planning authority. If a tree survey is required, this and the accompanying plan should be submitted alongside your application. Your local planning authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to design, demolition and construction - Recommendations'.

## 17. Biodiversity and Geological Conservation

Is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site?

To assist in answering this question correctly, please refer to the help text which provides guidance on determining if any important biodiversity or geological conservation features may be present or nearby; and whether they are likely to be affected by the proposals.

a) Protected and priority species:

- Yes, on the development site  
 Yes, on land adjacent to or near the proposed development  
 No

b) Designated sites, important habitats or other biodiversity features:

- Yes, on the development site  
 Yes, on land adjacent to or near the proposed development  
 No

c) Features of geological conservation importance:

- Yes, on the development site  
 Yes, on land adjacent to or near the proposed development  
 No

## 18. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste?  Yes  No

Have arrangements been made for the separate storage and collection of recyclable waste?  Yes  No

## 19. Residential/Dwelling Units

Due to changes in the information requirements for this question that are not currently available on the system, if you need to supply details of Residential/Dwelling Units for your application please follow these steps:

1. Answer 'No' to the question below;
2. Download and complete this supplementary information template (PDF);
3. Upload it as a supporting document on this application, using the 'Supplementary information template' document type.

This will provide the local authority with the required information to validate and determine your application.

Does your proposal include the gain, loss or change of use of residential units?  Yes  No

## 20. All Types of Development: Non-Residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace?  Yes  No

If you have answered Yes to the question above please add details in the following table:

## 20. All Types of Development: Non-Residential Floorspace

| Use Class                    | Existing gross internal floorspace (square metres) | Gross internal floorspace to be lost by change of use or demolition (square metres) | Total gross new internal floorspace proposed (including changes of use) (square metres) | Net additional gross internal floorspace following development (square metres) |
|------------------------------|----------------------------------------------------|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| A4 - Drinking establishments | 240                                                | 151                                                                                 | 240                                                                                     | 89                                                                             |
| Total                        | 240                                                | 151                                                                                 | 240                                                                                     | 89                                                                             |

For hotels, residential institutions and hostels please additionally indicate the loss or gain of rooms:

## 21. Employment

Will the proposed development require the employment of any staff?

Yes  No

## 22. Hours of Opening

Are Hours of Opening relevant to this proposal?

Yes  No

## 23. Industrial or Commercial Processes and Machinery

Please describe the activities and processes which would be carried out on the site and the end products including plant, ventilation or air conditioning. Please include the type of machinery which may be installed on site:

Is the proposal for a waste management development?

Yes  No

**If this is a landfill application you will need to provide further information before your application can be determined. Your waste planning authority should make it clear what information it requires on its website**

## 24. Hazardous Substances

Does the proposal involve the use or storage of any hazardous substances?

Yes  No

## 25. Trade Effluent

Does the proposal involve the need to dispose of trade effluents or trade waste?

Yes  No

## 26. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes  No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

- The agent  
 The applicant  
 Other person

## 27. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes  No

## 28. Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

Yes  No

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

## 29. Ownership Certificates and Agricultural Land Declaration

**Certificate Of Ownership - Certificate A Certificate under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 & Regulation 6 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990**

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/the applicant was the owner\* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding\*\*

\* 'owner' is a person with a freehold interest or leasehold interest with at least 7 years left to run. \*\* 'agricultural holding' has the meaning given by reference to the definition of 'agricultural tenant' in section 65(8) of the Act.

**NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.**

Person role

- The applicant  
 The agent

|                  |                                         |
|------------------|-----------------------------------------|
| Title            | <input type="text" value="Mr"/>         |
| First name       | <input type="text" value="Mark"/>       |
| Surname          | <input type="text" value="Cotton"/>     |
| Declaration date | <input type="text" value="11/02/2019"/> |

Declaration made

## 30. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Date (cannot be pre-application)

## Residential/Dwelling Units - Supplementary information template

If your proposal includes the gain, loss or change-of-use of residential units (including conversion) please enter the numbers of existing and proposed dwellings according to the number of bedrooms in the appropriate categories and types below.

The form will automatically populate the totals for each section as well as the combined total number of existing and proposed dwellings and the overall net gain/loss of residential units.

Once completed, please save the file on your device and then upload it as a supporting document to the relevant online application using the 'Supplementary Information Template' document type.

Definitions of the housing categories and dwelling types in the table below are available in Annex 1 below.

Planning Portal  
Reference and  
site address

PP-07611909  
The Cabinet  
Reed  
Heats  
SG8 8AH

### Proposed Housing

| Market Housing    | Not known                | Number of Bedrooms |   |   |    |         | Total |
|-------------------|--------------------------|--------------------|---|---|----|---------|-------|
|                   |                          | 1                  | 2 | 3 | 4+ | Unknown |       |
| Houses            | <input type="checkbox"/> |                    | 1 |   |    |         | 1     |
| Flats/maisonettes | <input type="checkbox"/> |                    |   |   |    |         |       |
| Sheltered housing | <input type="checkbox"/> |                    |   |   |    |         |       |
| Bedsit/studios    | <input type="checkbox"/> |                    |   |   |    |         |       |
| Cluster flats     | <input type="checkbox"/> |                    |   |   |    |         |       |
| Other             | <input type="checkbox"/> |                    |   |   |    |         |       |
| <b>Totals =</b>   |                          |                    |   |   |    |         | 1     |

### Existing Housing

| Market Housing    | Not known                | Number of Bedrooms |   |   |    |         | Total |
|-------------------|--------------------------|--------------------|---|---|----|---------|-------|
|                   |                          | 1                  | 2 | 3 | 4+ | Unknown |       |
| Houses            | <input type="checkbox"/> |                    |   |   |    |         |       |
| Flats/maisonettes | <input type="checkbox"/> |                    |   |   |    |         |       |
| Sheltered housing | <input type="checkbox"/> |                    |   |   |    |         |       |
| Bedsit/studios    | <input type="checkbox"/> |                    |   |   |    |         |       |
| Cluster flats     | <input type="checkbox"/> |                    |   |   |    |         |       |
| Other             | <input type="checkbox"/> |                    |   |   |    |         |       |
| <b>Totals =</b>   |                          |                    |   |   |    |         | 0     |

### Social, Affordable or Intermediate Rent

| Social, Affordable or Intermediate Rent | Not known                | Number of Bedrooms |   |   |    |         | Total |
|-----------------------------------------|--------------------------|--------------------|---|---|----|---------|-------|
|                                         |                          | 1                  | 2 | 3 | 4+ | Unknown |       |
| Houses                                  | <input type="checkbox"/> |                    |   |   |    |         |       |
| Flats/maisonettes                       | <input type="checkbox"/> |                    |   |   |    |         |       |
| Sheltered housing                       | <input type="checkbox"/> |                    |   |   |    |         |       |
| Bedsit/studios                          | <input type="checkbox"/> |                    |   |   |    |         |       |
| Cluster flats                           | <input type="checkbox"/> |                    |   |   |    |         |       |
| Other                                   | <input type="checkbox"/> |                    |   |   |    |         |       |
| <b>Totals =</b>                         |                          |                    |   |   |    |         |       |

### Social, Affordable or Intermediate Rent

| Social, Affordable or Intermediate Rent | Not known                | Number of Bedrooms |   |   |    |         | Total |
|-----------------------------------------|--------------------------|--------------------|---|---|----|---------|-------|
|                                         |                          | 1                  | 2 | 3 | 4+ | Unknown |       |
| Houses                                  | <input type="checkbox"/> |                    |   |   |    |         |       |
| Flats/maisonettes                       | <input type="checkbox"/> |                    |   |   |    |         |       |
| Sheltered housing                       | <input type="checkbox"/> |                    |   |   |    |         |       |
| Bedsit/studios                          | <input type="checkbox"/> |                    |   |   |    |         |       |
| Cluster flats                           | <input type="checkbox"/> |                    |   |   |    |         |       |
| Other                                   | <input type="checkbox"/> |                    |   |   |    |         |       |
| <b>Totals =</b>                         |                          |                    |   |   |    |         |       |

## Residential Units - Supporting Information

### Proposed Housing

| Affordable Home Ownership | Not known                | Number of Bedrooms |   |   |    |         | Total |
|---------------------------|--------------------------|--------------------|---|---|----|---------|-------|
|                           |                          | 1                  | 2 | 3 | 4+ | Unknown |       |
| Houses                    | <input type="checkbox"/> |                    |   |   |    |         |       |
| Flats/maisonettes         | <input type="checkbox"/> |                    |   |   |    |         |       |
| Sheltered housing         | <input type="checkbox"/> |                    |   |   |    |         |       |
| Bedsit/studios            | <input type="checkbox"/> |                    |   |   |    |         |       |
| Cluster flats             | <input type="checkbox"/> |                    |   |   |    |         |       |
| Other                     | <input type="checkbox"/> |                    |   |   |    |         |       |
| <b>Totals =</b>           |                          |                    |   |   |    |         |       |

| Starter Homes     | Not known                | Number of Bedrooms |   |   |    |         | Total |
|-------------------|--------------------------|--------------------|---|---|----|---------|-------|
|                   |                          | 1                  | 2 | 3 | 4+ | Unknown |       |
| Houses            | <input type="checkbox"/> |                    |   |   |    |         |       |
| Flats/maisonettes | <input type="checkbox"/> |                    |   |   |    |         |       |
| Bedsit/studios    | <input type="checkbox"/> |                    |   |   |    |         |       |
| Other             | <input type="checkbox"/> |                    |   |   |    |         |       |
| <b>Totals =</b>   |                          |                    |   |   |    |         |       |

| Self Build and Custom Build | Not known                | Number of Bedrooms |   |   |    |         | Total |
|-----------------------------|--------------------------|--------------------|---|---|----|---------|-------|
|                             |                          | 1                  | 2 | 3 | 4+ | Unknown |       |
| Houses                      | <input type="checkbox"/> |                    |   |   |    |         |       |
| Flats/maisonettes           | <input type="checkbox"/> |                    |   |   |    |         |       |
| Bedsit/studios              | <input type="checkbox"/> |                    |   |   |    |         |       |
| Other                       | <input type="checkbox"/> |                    |   |   |    |         |       |
| <b>Totals =</b>             |                          |                    |   |   |    |         |       |

**Total proposed residential units =**

### Existing Housing

| Affordable Home Ownership | Not known                | Number of Bedrooms |   |   |    |         | Total |
|---------------------------|--------------------------|--------------------|---|---|----|---------|-------|
|                           |                          | 1                  | 2 | 3 | 4+ | Unknown |       |
| Houses                    | <input type="checkbox"/> |                    |   |   |    |         |       |
| Flats/maisonettes         | <input type="checkbox"/> |                    |   |   |    |         |       |
| Sheltered housing         | <input type="checkbox"/> |                    |   |   |    |         |       |
| Bedsit/studios            | <input type="checkbox"/> |                    |   |   |    |         |       |
| Cluster flats             | <input type="checkbox"/> |                    |   |   |    |         |       |
| Other                     | <input type="checkbox"/> |                    |   |   |    |         |       |
| <b>Totals =</b>           |                          |                    |   |   |    |         |       |

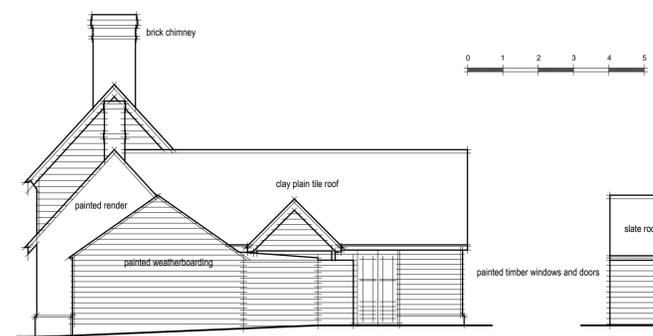
| Starter Homes     | Not known                | Number of Bedrooms |   |   |    |         | Total |
|-------------------|--------------------------|--------------------|---|---|----|---------|-------|
|                   |                          | 1                  | 2 | 3 | 4+ | Unknown |       |
| Houses            | <input type="checkbox"/> |                    |   |   |    |         |       |
| Flats/maisonettes | <input type="checkbox"/> |                    |   |   |    |         |       |
| Bedsit/studios    | <input type="checkbox"/> |                    |   |   |    |         |       |
| Other             | <input type="checkbox"/> |                    |   |   |    |         |       |
| <b>Totals =</b>   |                          |                    |   |   |    |         |       |

| Self Build and Custom Build | Not known                | Number of Bedrooms |   |   |    |         | Total |
|-----------------------------|--------------------------|--------------------|---|---|----|---------|-------|
|                             |                          | 1                  | 2 | 3 | 4+ | Unknown |       |
| Houses                      | <input type="checkbox"/> |                    |   |   |    |         |       |
| Flats/maisonettes           | <input type="checkbox"/> |                    |   |   |    |         |       |
| Bedsit/studios              | <input type="checkbox"/> |                    |   |   |    |         |       |
| Other                       | <input type="checkbox"/> |                    |   |   |    |         |       |
| <b>Totals =</b>             |                          |                    |   |   |    |         |       |

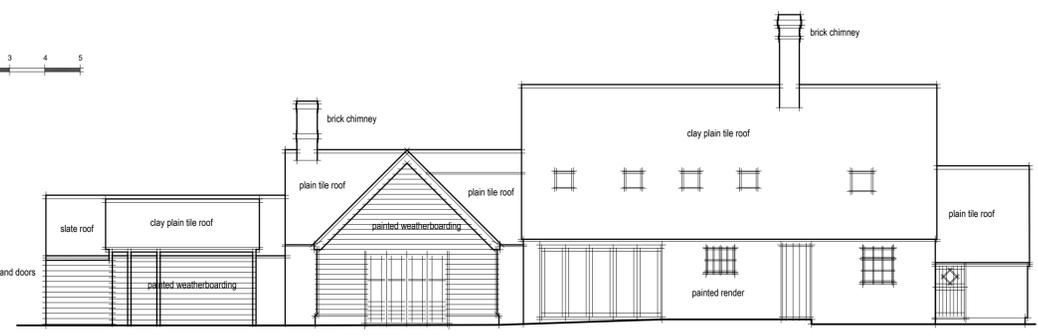
**Total existing residential units =**

**TOTAL NET GAIN or LOSS of RESIDENTIAL UNITS (Proposed Housing Grand Total - Existing Housing Grand Total):**

**NOTES / REVISIONS**  
 NOTE: THIS DRAWING MUST NOT BE SCALED.  
 ALL DIMENSIONS TO BE CHECKED ON SITE BY THE CONTRACTOR AND ANY DISCREPANCIES ARE TO BE REPORTED BACK TO THE ARCHITECTS A BEFORE WORK COMMENCES.  
 revision a: roof lights added to western elevation - 1st september 2016 - mdc  
 revision b: work to ceilings over games room added - mdc - 11 feb 2019



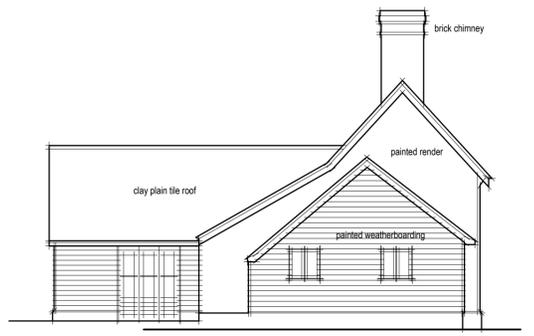
north elevation



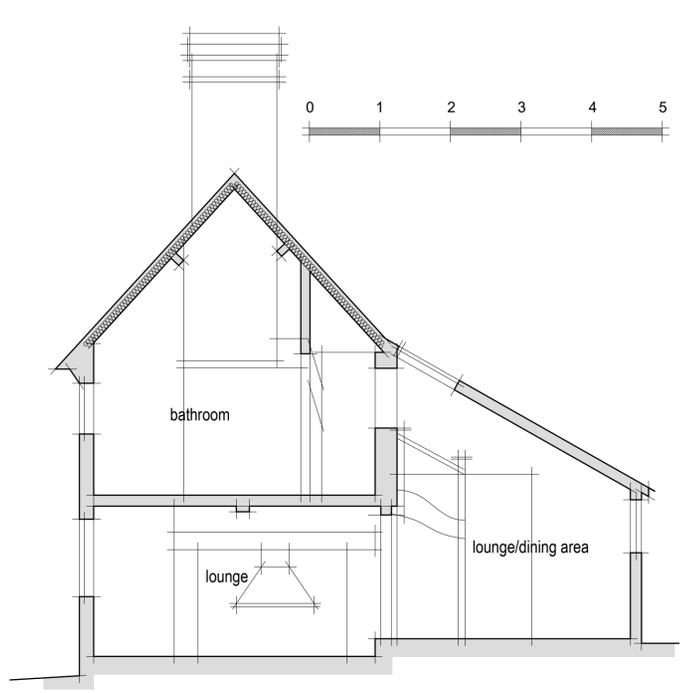
west elevation



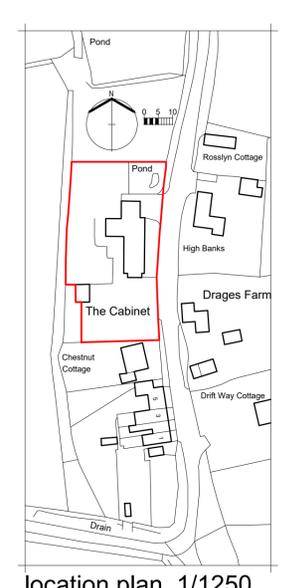
east elevation



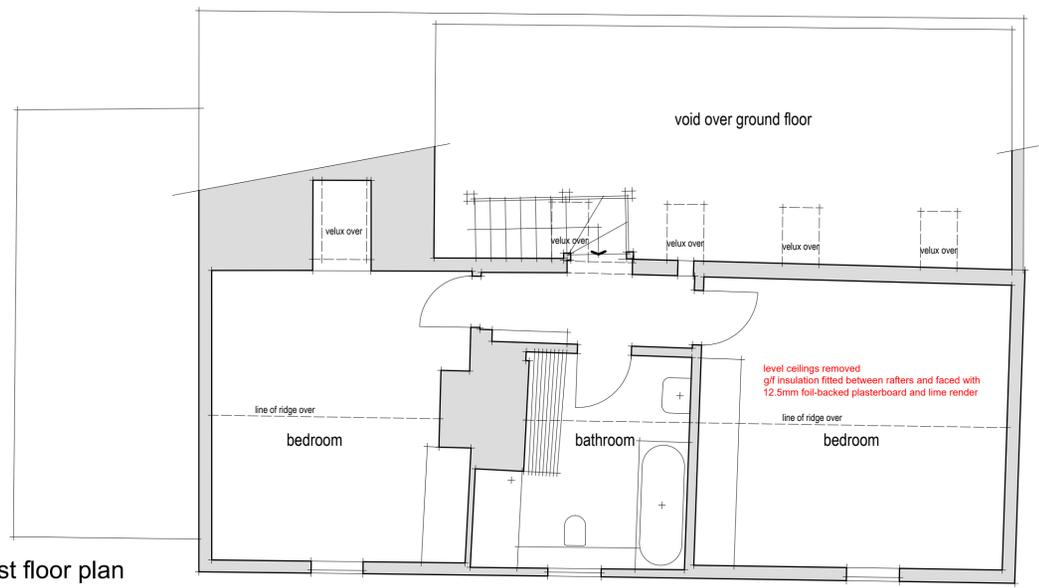
south elevation



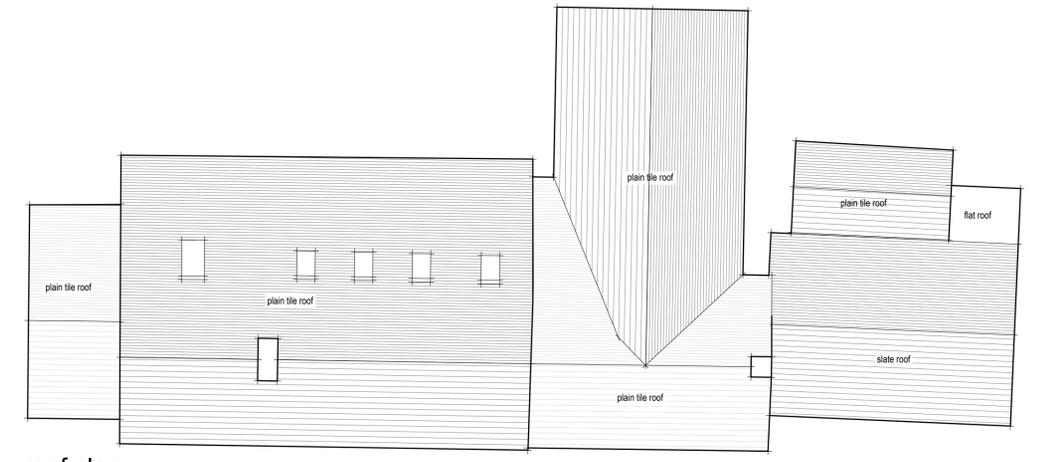
typical section



location plan 1/1250

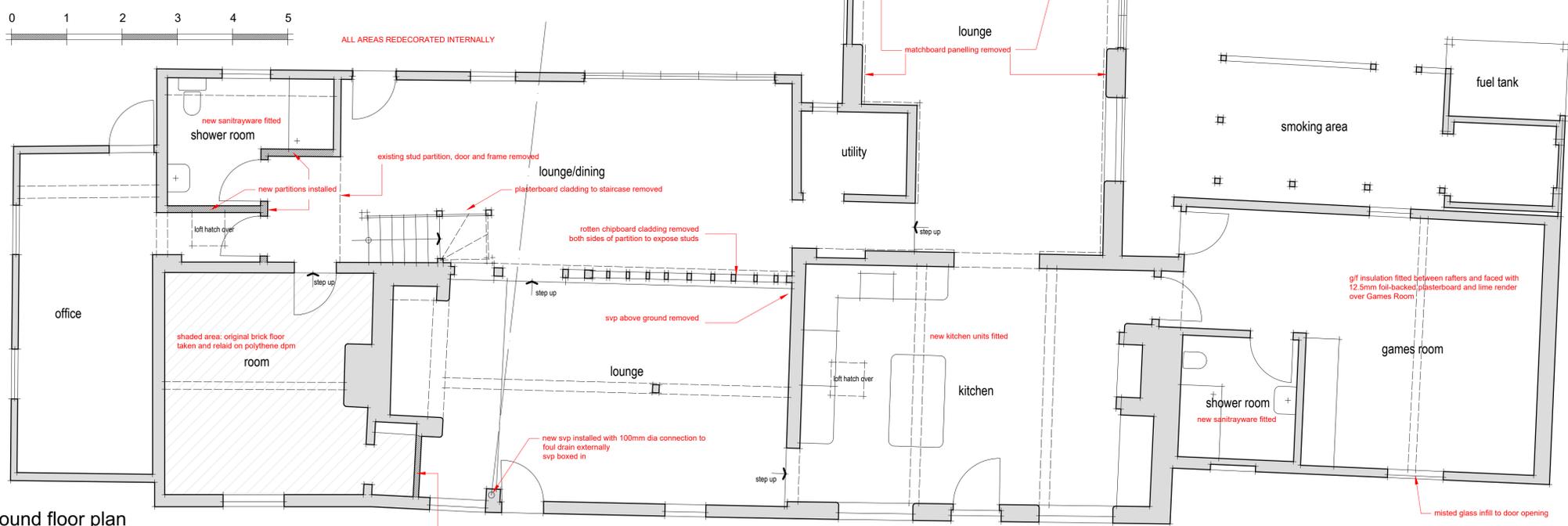


first floor plan



roof plan

PREMISES SHOWN AS SURVEYED ON 20 JULY 2016  
 WORKS UNDERTAKEN BY CURRENT OWNER WITHOUT LISTED BUILDING CONSENT SHOWN IN RED

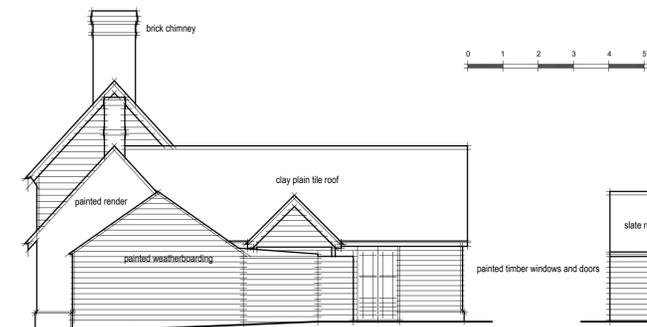


ground floor plan

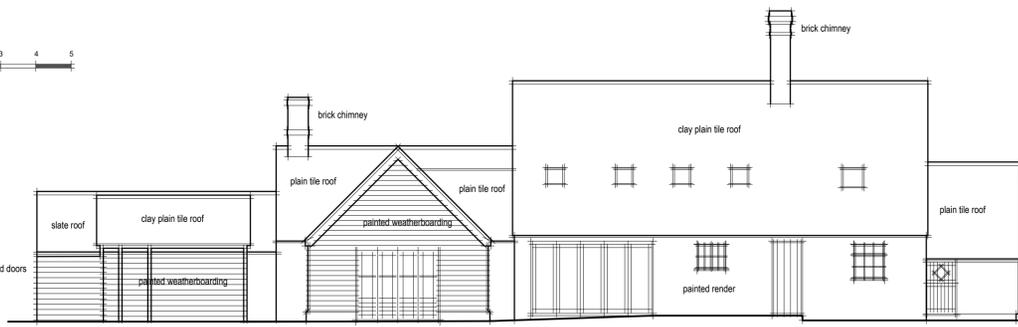
|                        |                                                        |                                                                                                            |
|------------------------|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| PROJECT:               | THE CABINET<br>HIGH STREET<br>REED<br>HERTS<br>SG8 8AH |                                                                                                            |
| DRAWING:               | EXISTING<br>PLANS SECTION<br>ELEVATIONS                |                                                                                                            |
| DATE:                  | AUG 2016                                               |                                                                                                            |
| SCALE:                 | 1/50 1/100 at A1                                       |                                                                                                            |
| DRAWING NUMBER:        | 16/001/A/01 B                                          |                                                                                                            |
| DRAWN BY: MDC CHECKED: |                                                        | Pamdon Mill   Harlow   Essex   CM20 2HP<br>T: 01279 444 904<br>E: info@sandds.co.uk<br>W: www.sandds.co.uk |

NOTES / REVISIONS

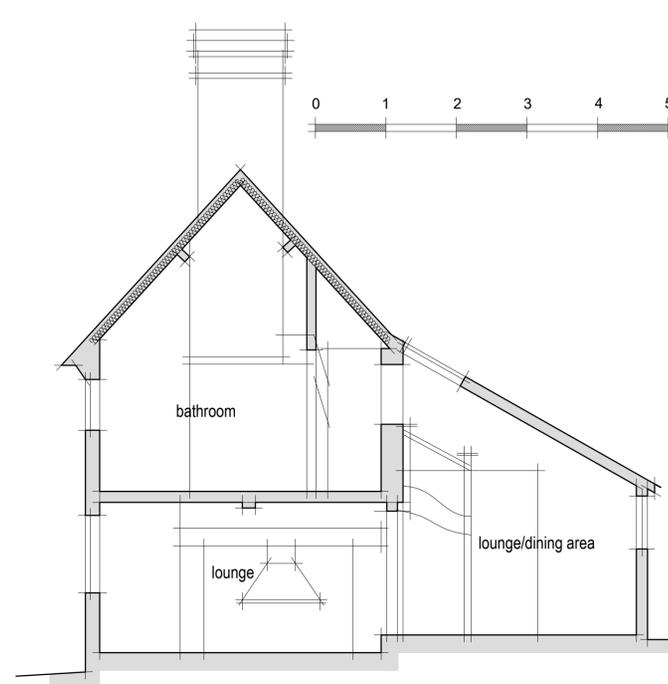
NOTE: THIS DRAWING MUST NOT BE SCALED.  
 ALL DIMENSIONS TO BE CHECKED ON SITE BY THE CONTRACTOR AND ANY DISCREPANCIES ARE TO BE REPORTED BACK TO THE ARCHITECTS AS BEFORE WORK COMMENCES.  
 revision a: insulation of roof over Gammes Room added - mdc - 13 June 2017  
 revision b: work to Lounge omitted; removal of first floor ceilings noted - mdc - 11 July 2017



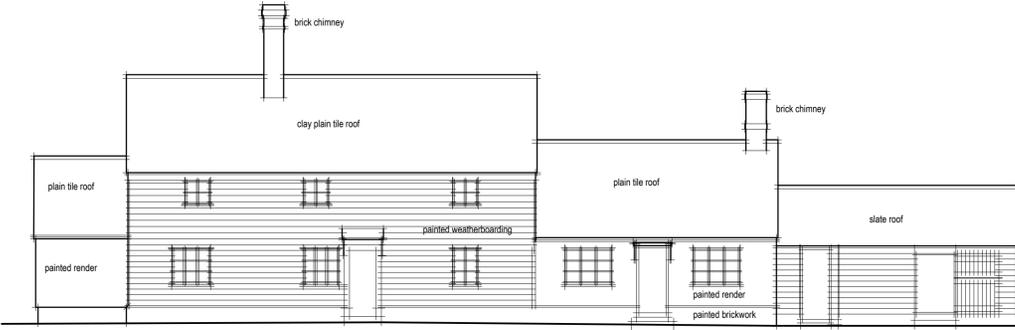
north elevation



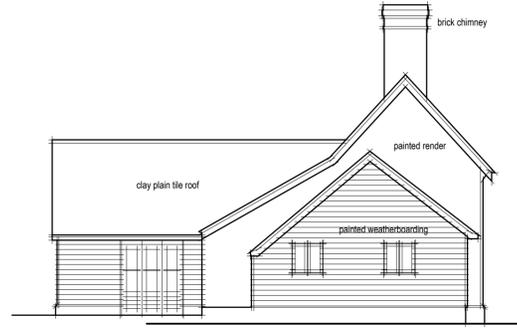
west elevation



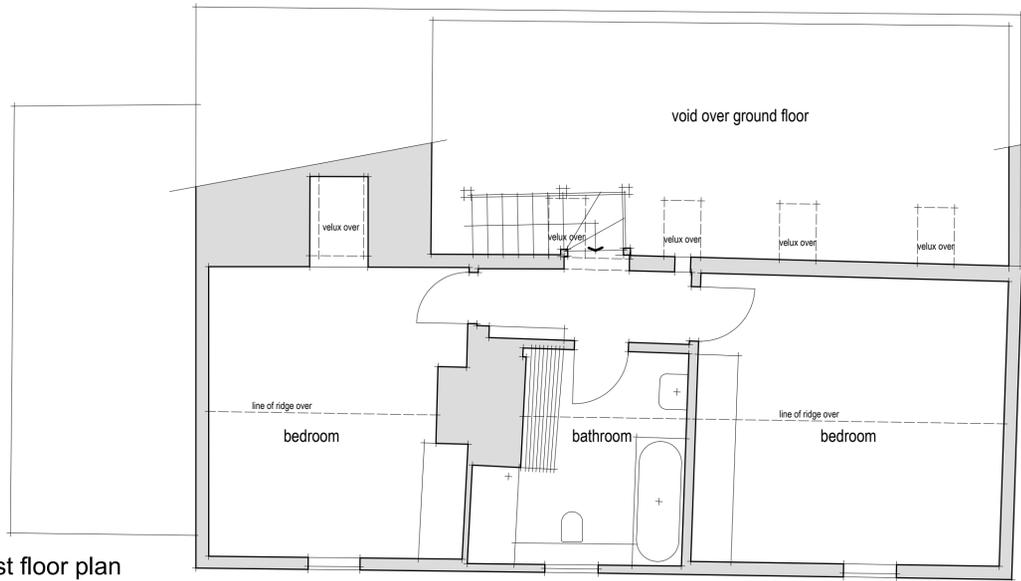
typical section



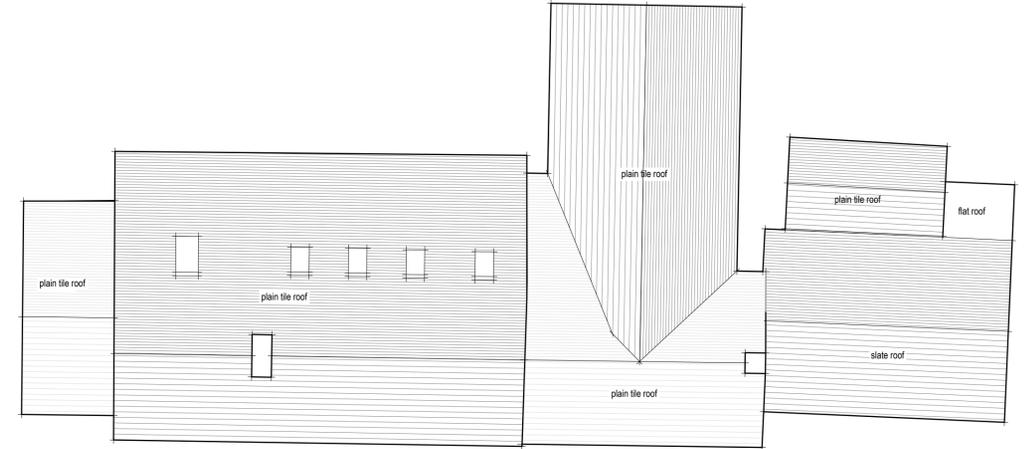
east elevation



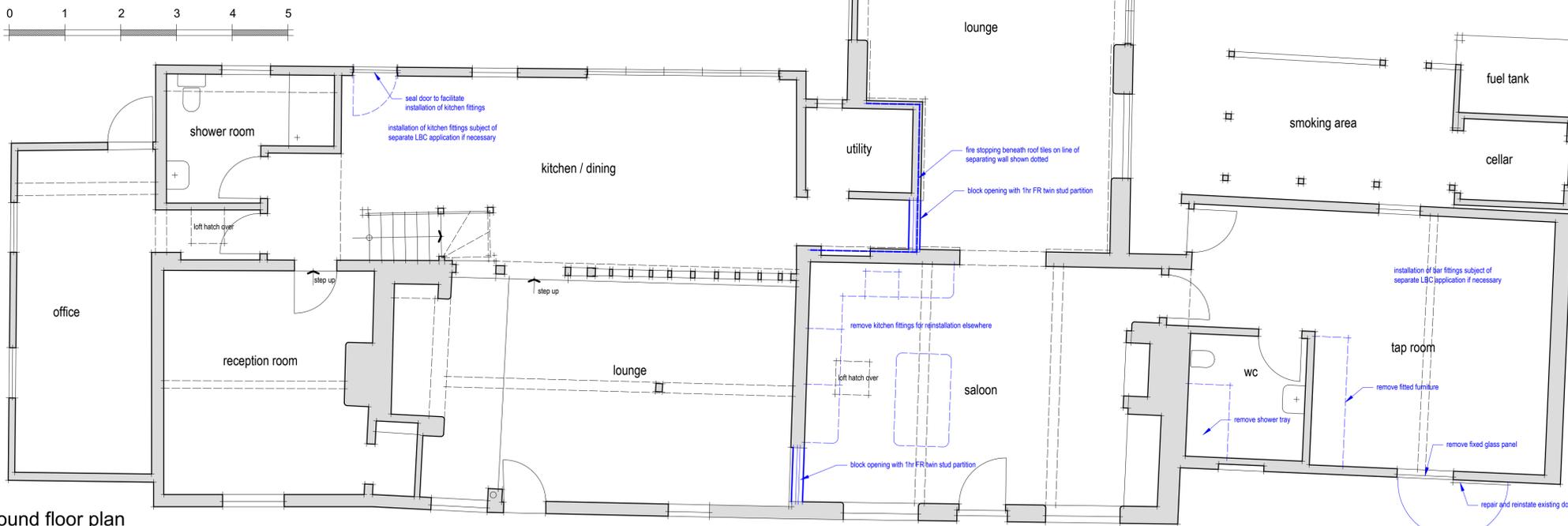
south elevation



first floor plan

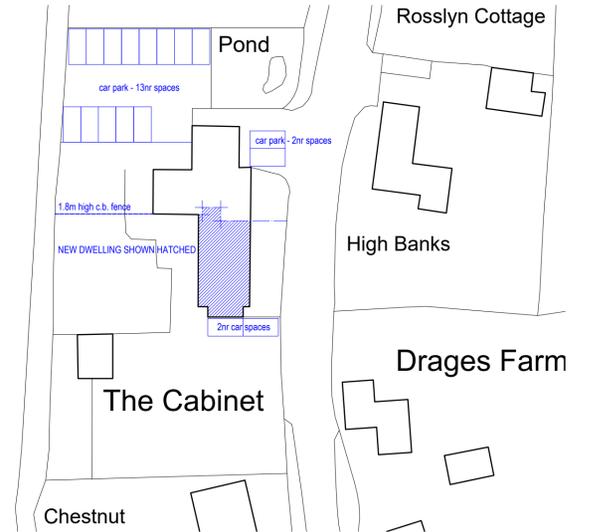


roof plan



ground floor plan

PROPOSED WORKS SHOWN IN BLUE



block plan 1/500

|                 |                                                        |
|-----------------|--------------------------------------------------------|
| PROJECT:        | THE CABINET<br>HIGH STREET<br>REID<br>HERTS<br>SG8 8AH |
| DRAWING:        | PROPOSED<br>PLANS SECTION<br>ELEVATIONS                |
| DATE:           | FEB 2019                                               |
| SCALE:          | 1/50 1/100 at A1                                       |
| DRAWING NUMBER: | 16/001/A/03                                            |

DRAWN BY: MDC CHECKED:

architecture  
& design services ltd.

Pardons Mill | Harlow | Essex | CM20 2HP

T: 01279 444 904  
 E: info@sandds.co.uk  
 W: www.sandds.co.uk





## **NORTH HERTFORDSHIRE DISTRICT COUNCIL**

Town and Country Planning Act 1990  
Town and Country Planning (General Development Procedure) Order  
2015

### **DECISION NOTICE**

**Correspondence Address:**

Mr M Cotton  
Parndon Mill  
Harlow  
CM20 2HP

**Applicant:**

Mr Richard Newman

---

#### **PARTICULARS OF DEVELOPMENT**

**Application:** 19/00341/FP

**Proposal:** Sub-division of the building to be part retained as a public house and part change of use to a single dwellinghouse. Creation of new car parking for public house. Erection of a 1.8m high close boarded timber fence on the line of the rear shared boundary between the retained Public House and the new dwelling. (Amended description only).

**Location:** The Cabinet, High Street, Reed, Royston, Hertfordshire, SG8 8AH

#### **PARTICULARS OF DECISION**

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **REFUSE** the development proposed by you in your application received with sufficient particulars on 13 February 2019.

1. The application does not set out that a public house of this reduced size, with no commercial kitchen to allow the sale of food items, no residential accommodation to allow a manager or tenant to live at the business and without access to a reasonable sized car parking area for customers, would be able to trade successfully and could operate as a viable business. As a result, the viability of the public house in the medium to long term has to be questioned, contrary to paragraph 92(c) of the NPPF which seeks to guard against the unnecessary loss of valued local facilities.

2. Objection to the location of a new car park in principle on the north side of the building due to the less than substantial harm this would have on the setting of the listed building, contrary to paragraph 196 of the NPPF.
3. The full details and justification of the car park in terms of surface and boundary treatment are lacking, and therefore the full impact of these works on the setting of the listed building and character and appearance of the Conservation Area cannot be fully assessed. This is contrary to emerging policy HE1 of the Local Plan 2011 - 2031.
4. The close proximity of a single residential dwellinghouse to a public house when they are not in association with each other, is likely to lead to friction and conflict between these two uses from the late night noise and activity associated with a public house use on the residential amenities of the single dwellinghouse, contrary to emerging policy D3 of the Local Plan 2011 - 2031.
5. The application is lacking in full details with regards to waste storage for the proposed reduced public house area. The waste storage could result in blocking access or parking spaces or spilling out into the lane, resulting in less than substantial harm to both the character and appearance of the lane and Conservation Area and on the setting of the listed building, contrary to paragraph 196 of the NPPF and contrary to the provisions of emerging policy D1 of the Local Plan 2011 - 2031.

**Proactive Statement:**

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**Informative/s:**

Planning permission for the front driveway next to the pond is required.

Signed:



Development Management  
North Hertfordshire District Council  
Council Offices

Simon Ellis  
Development & Conservation Manager  
**Date:** 3 April 2019

Gernon Road  
Letchworth  
Herts  
SG6 3JF

The Council's Privacy Notice is available on our website: <https://www.north-herts.gov.uk/home/council-data-and-performance/data-protection/information-management-gdpr>.

### **NOTES**

- 1 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Planning Inspectorate at Suite C, 4<sup>th</sup> Floor, Spectrum Building, Bond Street, Bristol, BS1 3LG or online at [www.planningportal.gov.uk/planning/appeals](http://www.planningportal.gov.uk/planning/appeals)

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### **Purchase Notices**

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



## NORTH HERTFORDSHIRE DISTRICT COUNCIL

Planning (Listed Buildings and Conservation Areas) Act 1990  
Planning (Listed Buildings and Conservation Areas) Regulations 1992

### DECISION NOTICE

**Correspondence Address:**

Mr M Cotton  
Parndon Mill  
Harlow  
CM20 2HP

**Applicant:**

Mr Richard Newman

---

### PARTICULARS OF DEVELOPMENT

Application: 19/00342/LBC

Proposal: Internal alterations to facilitate the sub-division of the building to be part retained as a public house and part change of use to a single dwellinghouse. (Amended description only).

Location: The Cabinet, High Street, Reed, Royston, Hertfordshire, SG8 8AH,

Refused Plan Nos: 16-001-A-01B; 16-001-A-03

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **REFUSE LISTED BUILDING CONSENT** to the works described above and proposed by you in your application received with sufficient particulars on 13 February 2019.

The reasons for the Council's decision to refuse Listed Building Consent are:

1. Full details of the proposed internal works for the separation, sound and fire proofing have not been provided. This is contrary to emerging Policy HE1 of the Local Plan 2011 - 203. Furthermore, as the full details of the works cannot be assessed, the works could cause less than substantial harm to the listed building, contrary to paragraph 196 of the NPPF.

Signed:



Development & Conservation Manager

Development Management  
North Hertfordshire District Council  
Council Offices  
Gernon Road  
Letchworth  
Herts  
SG6 3JF

Date: 3 April 2019

The Council's Privacy Notice is available on our website: <https://www.north-herts.gov.uk/home/council-data-and-performance/data-protection/information-management-gdpr>

## NOTES

- 1 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Planning Inspectorate at Suite C, 4th Floor, Spectrum Building, Bond Street, Bristol, BS1 3LG or online at [www.planningportal.gov.uk/planning/appeals](http://www.planningportal.gov.uk/planning/appeals)

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### **Purchase Notices**

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



Development Control,  
Council Offices  
Gernon Road  
Letchworth Garden City  
Hertfordshire  
SG6 3JF

Date: 20<sup>th</sup> May 2016  
Our ref: 16/001/A/mc  
Your ref: PP 008004



Dear Sirs

**RE: THE CABINET, HIGH STREET, REED, HERTS SG8 8AH**

Please be advised that we have, today, lodged a Listed Building Consent Application for works to the above building using the Planning Portal. For the sake of clarity, the application comprises the following documents:

Completed Listed Building Consent Application forms

Drawing nos 16/001/A/01 revision B – EXISTING  
16/001/A/03 revision C – PROPOSED

Heritage Statement May 2016

**Design Statement and Background to the Application**

This statement forms part of Listed Building Consent Application for the regularisation of works carried out prior to this application and further works required to restore the premises known as The Cabinet as a public house.

Planning History:

Various applications have been submitted since 2016 as follows:

| <u>Reference</u> | <u>Application Type</u> | <u>Description</u>                                                                                                                                           | <u>Status</u>  |
|------------------|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 16/02113/1       | FULL PLANNING           | Change of use from A4 (Public House) to C3 (single dwelling)                                                                                                 | Refused        |
| 16/0212/1LB      | LISTED BUILDING CONSENT | Internal Alterations associated with Change of Use from Change of use from A4 (Public House) to C3 (single dwelling)                                         | Refused        |
| 16/01524/1LB     | LISTED BUILDING CONSENT | Retention of insulated vaulted ceilings to the games room at ground floor and across the first floor following removal of horizontal ceilings at first floor | Not Determined |
| 16/00341/FP      | FULL PLANNING           | Subdivision of public house and change of use of part to dwelling house. Creation of new car parking for public house                                        | Refused        |
| 16/00342/LBC     | LISTED BUILDING CONSENT | Subdivision of public house and change of use of part to dwelling house. Internal alterations and regularisation of unauthorised works                       | Refused        |

Having purchased the property at auction in December 2015, being the sole bidder, the applicant has been occupying the property as a single dwelling house and has carried out a number of urgent repairs to both the historic part of the building and the newer extensions.

Having initially sought Planning and Listed Building Consent to convert the building into a single dwelling house, applications which were refused at Appeal, the applicant has subsequently sought permission to subdivide the property to retain a viable level of A4 use alongside a residential property. Following the refusal of the latest applications, the applicant now applies for Listed Building Consent for works carried out previously and further works required to return the building to full A4 public house use.

### Retrospective Works:

When the applicant purchased the property in December 2015 it required urgent repairs to the fabric both in the historic part and in the newer extensions.

- 1 The structural stability of the front wall and roof was compromised at ground and first floor levels. A new stud partition was installed at ground floor level to tie the front wall to the chimney breast. A stud partition was installed at first floor level to tie the wall plates and purlins.
- 2 The above ground soil pipe located in the lounge area but serving the kitchen had been leaking. This had damaged the particle board cladding to the historic stud wall which would have formed the rear wall of the original building. The wastes were removed above ground and the floor made good. The particle board cladding was removed and the original stud work left exposed.
- 3 The staircase, forming part of an earlier extension to the historic building, was clad in plasterboard. This was removed and the staircase refurbished.
- 4 The adjacent stud partition at ground floor level was also removed in part to form new toilet facilities with new stud partitioning.
- 5 New sanitaryware was installed at first floor level. A new soil stack was installed and underground drainage laid to connect to the external soil drainage at the rear of the property.
- 6 The original brick paved floor in the ground floor side room was damaged and irregular. The bricks were lifted and relaid level.
  - 7 New kitchen fittings were installed in the kitchen.
- 8 New sanitaryware was installed in the beer cellar which is now used as a games room. The fittings is served by a Saniflo macerator which pumps the waste to the existing waste connection in the utility/laundry.
  - 9 The external doorway to the beer cellar has been filled with a frosted glass panel. The original door and frame are retained intact.
- 10 Softwood matchboarding dado panelling was removed from the former dining area and the walls made good with plaster to match the walls generally.
- 11 Level ceilings were removed and insulation was fitted between the rafters over the first floor accommodation and faced with plasterboard and lime render.
- 12 Level ceilings were removed and insulation was fitted between the rafters over the Games Room and faced with plasterboard and lime render.
- 13 The premises have been redecorated completely using conservation paint products.

Retrospective Permission is sought for items 1, 2, 4 – 6 and 10 – 13.

Items 3, 7, 8, 9 are to be superseded by the works detailed below which are required to reinstate the former A4 use.

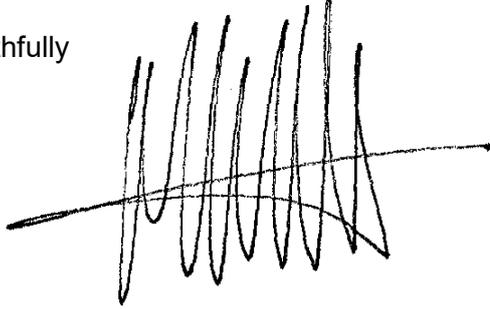
### Additional Works:

- 1 Construction of new studwork, including door, around stairs to first floor to create fire separation between residential accommodation and public areas.
- 2 Conversion of ground floor shower room to form accessible WC to serve public areas.
- 3 Installation of new doors in existing frames to utility / boiler room and between lounges.
- 4 Construction of new bar (subject to further Listed Building Consent Applications relating to design and appearance).
- 5 Subdivision of existing Games Room Shower Room to form 2no public toilets with installation of new sanitaryware, forming of 1no doorway through modern timber studwork partitioning and erection of subdividing partition between toilets.
- 6 Construction of new timber studwork to form kitchen within existing Games Room.

- Removal of glazed panel within games room and repairs and reinstatement of existing door
- Installation of new extract fans as detailed on application drawings
- Installation of new kitchen fittings *subject to further Listed Building Consent Applications relating to design and appearance*

The works proposed to effect the subdivision of the property are shown on the drawings and described in more detail in the Heritage Statement

Yours faithfully

A handwritten signature in black ink, consisting of several vertical, wavy lines that resemble the letter 'M', with a horizontal line crossing through them.

Mark Cotton BA Arch Dip Arch RIBA Chartered Architect  
Director  
*For and on behalf of*

**architecture & design services ltd.**



Correspondence address:

North Hertfordshire District Council, PO Box 10613, Nottingham, NG6 6DW

Telephone: (01462) 474000

Text Phone: (01462) 474800

DX324201, Nottingham 59

Application for listed building consent for alterations, extension or demolition of a listed building.

Planning (Listed Building and Conservation Areas) Act 1990

**Publication of applications on planning authority websites.**

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

**1. Site Address**

Number

Suffix

Property name

Address line 1

Address line 2

Address line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

Description

**2. Applicant Details**

Title

First name

Surname

Company name

Address line 1

Address line 2

Address line 3

Town/city

## 2. Applicant Details

|                  |                                      |
|------------------|--------------------------------------|
| Country          | <input type="text"/>                 |
| Postcode         | <input type="text" value="SG8 8AH"/> |
| Primary number   | <input type="text"/>                 |
| Secondary number | <input type="text"/>                 |
| Fax number       | <input type="text"/>                 |
| Email address    | <input type="text"/>                 |

Are you an agent acting on behalf of the applicant?

Yes  No

## 3. Agent Details

|                  |                                                                      |
|------------------|----------------------------------------------------------------------|
| Title            | <input type="text" value="Mr"/>                                      |
| First name       | <input type="text" value="Mark"/>                                    |
| Surname          | <input type="text" value="Cotton"/>                                  |
| Company name     | <input type="text" value="architecture &amp; design services ltd."/> |
| Address line 1   | <input type="text" value="Parndon Mill"/>                            |
| Address line 2   | <input type="text"/>                                                 |
| Address line 3   | <input type="text"/>                                                 |
| Town/city        | <input type="text" value="Harlow"/>                                  |
| Country          | <input type="text" value="United Kingdom"/>                          |
| Postcode         | <input type="text" value="CM20 2HP"/>                                |
| Primary number   | <input type="text" value="01279444904"/>                             |
| Secondary number | <input type="text"/>                                                 |
| Fax number       | <input type="text"/>                                                 |
| Email            | <input type="text" value="info@aandds.co.uk"/>                       |

## 4. Description of Proposed Works

Please describe details of the proposed development or works including details of proposals to alter, extend or demolish the listed building(s):

Has the development or work already been started without consent?

Yes  No

If Yes, please state when the development or work was started (date must be pre-application submission)

Has the development or work already been completed without consent?

Yes  No

## 5. Listed Building Grading

What is the grading of the listed building (as stated in the list of Buildings of Special Architectural or Historical Interest)?

- Don't know  
 Grade I  
 Grade II\*  
 Grade II

Is it an ecclesiastical building?

Don't know  Yes  No

## 6. Demolition of Listed Building

Does the proposal include the partial or total demolition of a listed building?

Yes  No

## 7. Related Proposals

Are there any current applications, previous proposals or demolitions for the site?

Yes  No

## 8. Immunity from Listing

Has a Certificate of Immunity from Listing been sought in respect of this building?

Yes  No

## 9. Listed Building Alterations

Do the proposed works include alterations to a listed building?

Yes  No

**If Yes, do the proposed works include**

- a) works to the interior of the building?  Yes  No
- b) works to the exterior of the building?  Yes  No
- c) works to any structure or object fixed to the property (or buildings within its curtilage) internally or externally?  Yes  No
- d) stripping out of any internal wall, ceiling or floor finishes (e.g. plaster, floorboards)?  Yes  No

If the answer to any of these questions is Yes, please provide plans, drawings and photographs sufficient to identify the location, extent and character of the items to be removed. Also include the proposal for their replacement, including any new means of structural support, and state references for the plan(s)/drawing(s).

See drawings 16/001/A/01 & 03 and accompanying Covering Letter

## 10. Materials

Does the proposed development require any materials to be used?

Yes  No

**Please provide a description of existing and proposed materials and finishes to be used (including type, colour and name for each material) demolition excluded**

Please add materials by using the dropdown, clicking 'Add' and filling in all the fields in the popup box.

To correct existing entries, use the 'Edit' link to open the popup box and ensure that all fields are completed.

|                                                                  |                                                                |
|------------------------------------------------------------------|----------------------------------------------------------------|
| Internal Walls                                                   |                                                                |
| Please provide a description of existing materials and finishes: | none<br>Softwood matchboard dado panelling                     |
| Please provide a description of proposed materials and finishes: | Timber stud walls with plasterboard linings<br>Painted plaster |

## 10. Materials

|                                                                  |                                                                                   |
|------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| Ceilings                                                         |                                                                                   |
| Please provide a description of existing materials and finishes: | none                                                                              |
| Please provide a description of proposed materials and finishes: | Insulation was fitted between rafters and faced with plasterboard and lime render |

Are you supplying additional information on submitted plan(s)/design and access statement:  Yes  No

If Yes, please state references for the plans, drawings and/or design and access statement

Covering Letter  
Drawing 16/001/A/01 revision B – EXISTING  
Drawing 16/001/A/03 revision C - PROPOSED  
Heritage Statement

## 11. Neighbour and Community Consultation

Have you consulted your neighbours or the local community about the proposal?  Yes  No

## 12. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?  Yes  No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent
- The applicant
- Other person

## 13. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?  Yes  No

## 14. Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:  
(a) a member of staff  
(b) an elected member  
(c) related to a member of staff  
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.  Yes  No

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

## 15. Certificates

**CERTIFICATE OF OWNERSHIP - CERTIFICATE A - Certificate under Regulation 6 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990**

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/the applicant was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land or building to which the application relates.

Person role

- The applicant
- The agent

Title

### 15. Certificates

|                                  |                                         |
|----------------------------------|-----------------------------------------|
| First name                       | <input type="text" value="Mark"/>       |
| Surname                          | <input type="text" value="Cotton"/>     |
| Declaration date<br>(DD/MM/YYYY) | <input type="text" value="20/05/2019"/> |

Declaration made

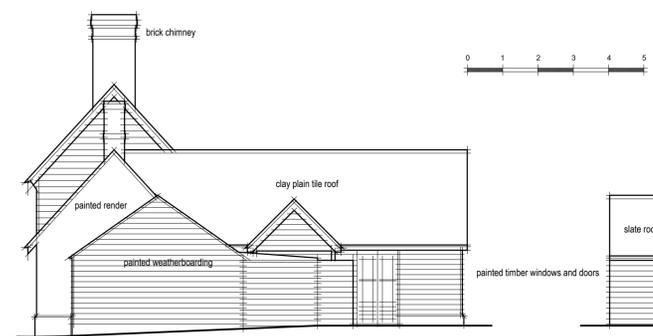
### 16. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

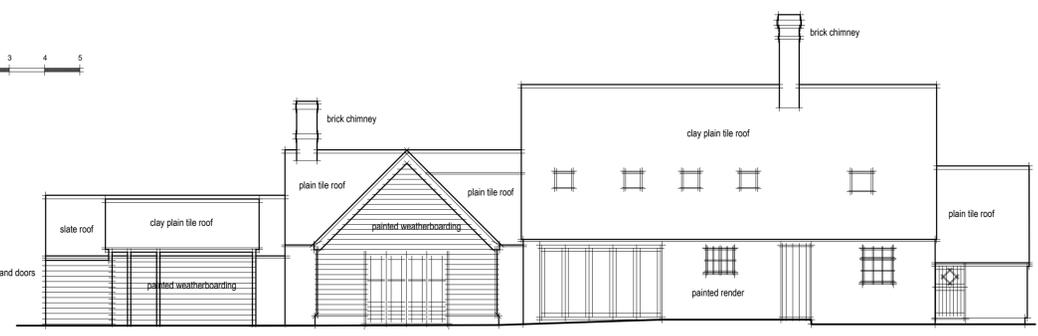
|                                  |                                         |
|----------------------------------|-----------------------------------------|
| Date (cannot be pre-application) | <input type="text" value="20/05/2019"/> |
|----------------------------------|-----------------------------------------|

**NOTES / REVISIONS**

NOTE: THIS DRAWING MUST NOT BE SCALED.  
 ALL DIMENSIONS TO BE CHECKED ON SITE BY THE CONTRACTOR AND ANY DISCREPANCIES ARE TO BE REPORTED BACK TO THE ARCHITECTS BEFORE WORK COMMENCES.  
 revision b: roof lights added to western elevation - 1st september 2016 - mmc  
 revision c: work to ceilings over games room added - 11 feb 2019  
 revision d: existing unauthorised works (in red) transferred to drawing 16/001/A/03 as requested by ipa - mmc - 3rd june 2019



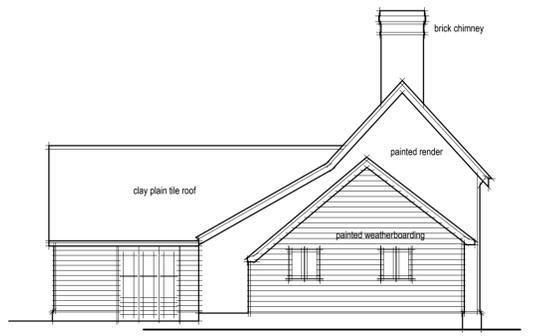
north elevation



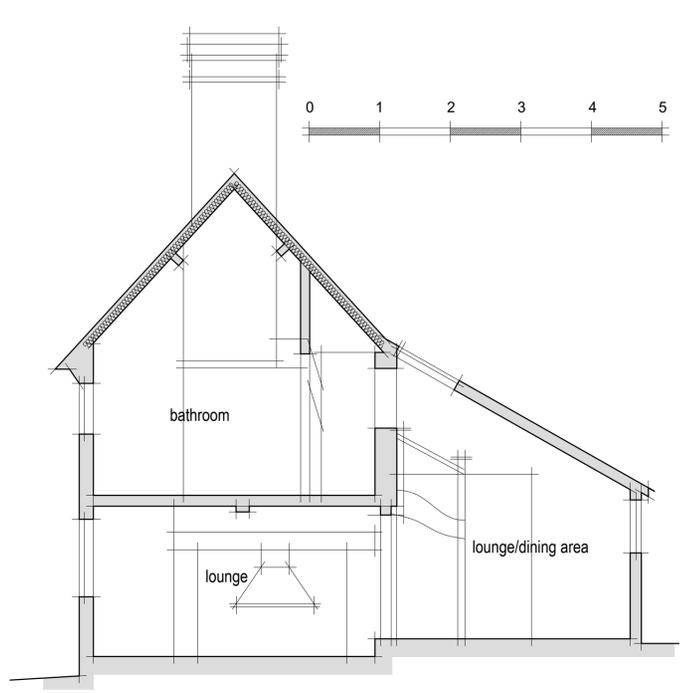
west elevation



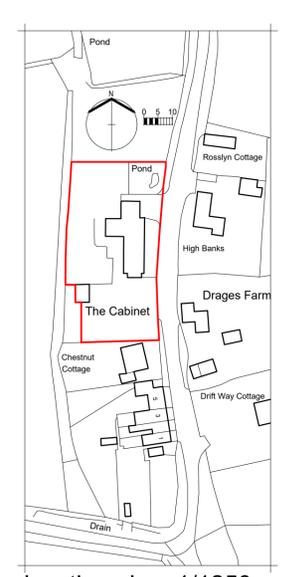
east elevation



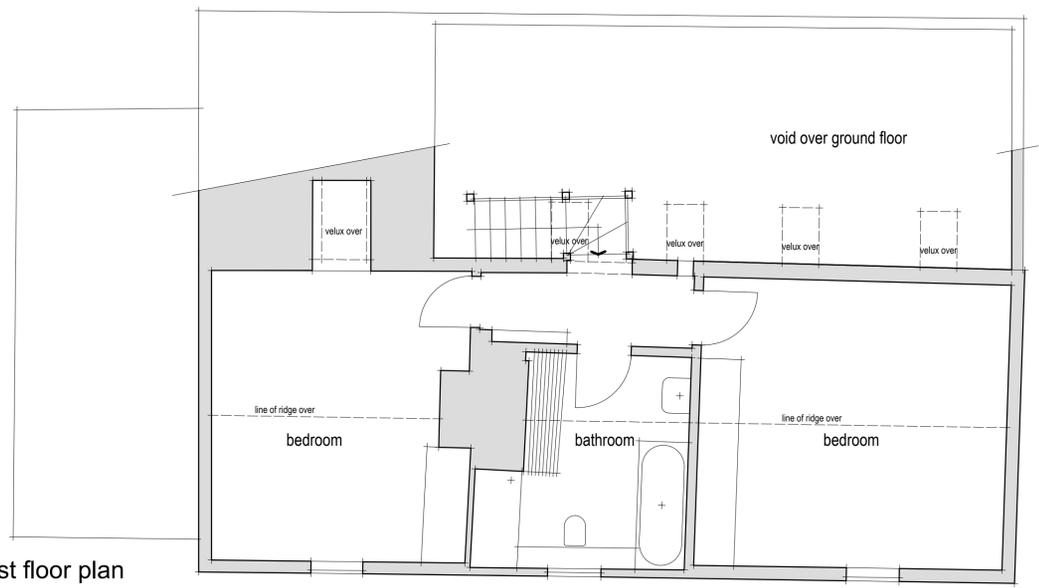
south elevation



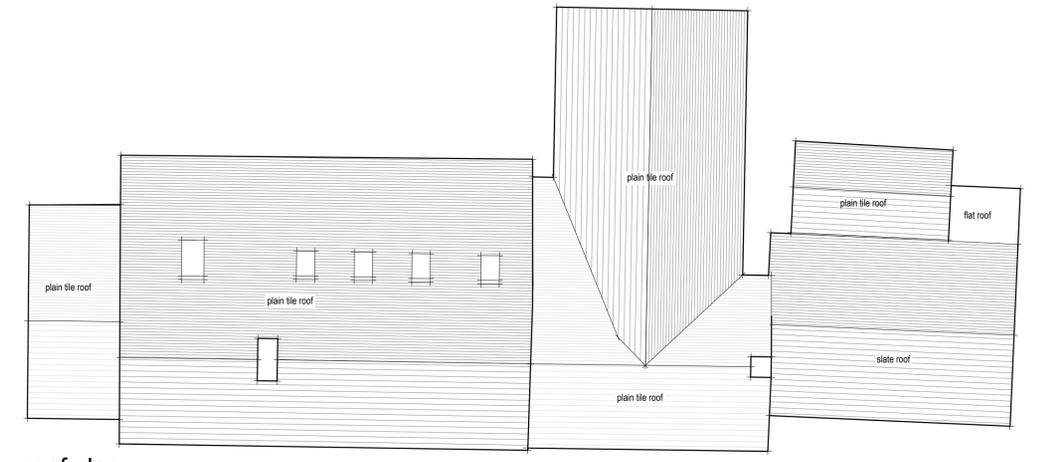
typical section



location plan 1/1250

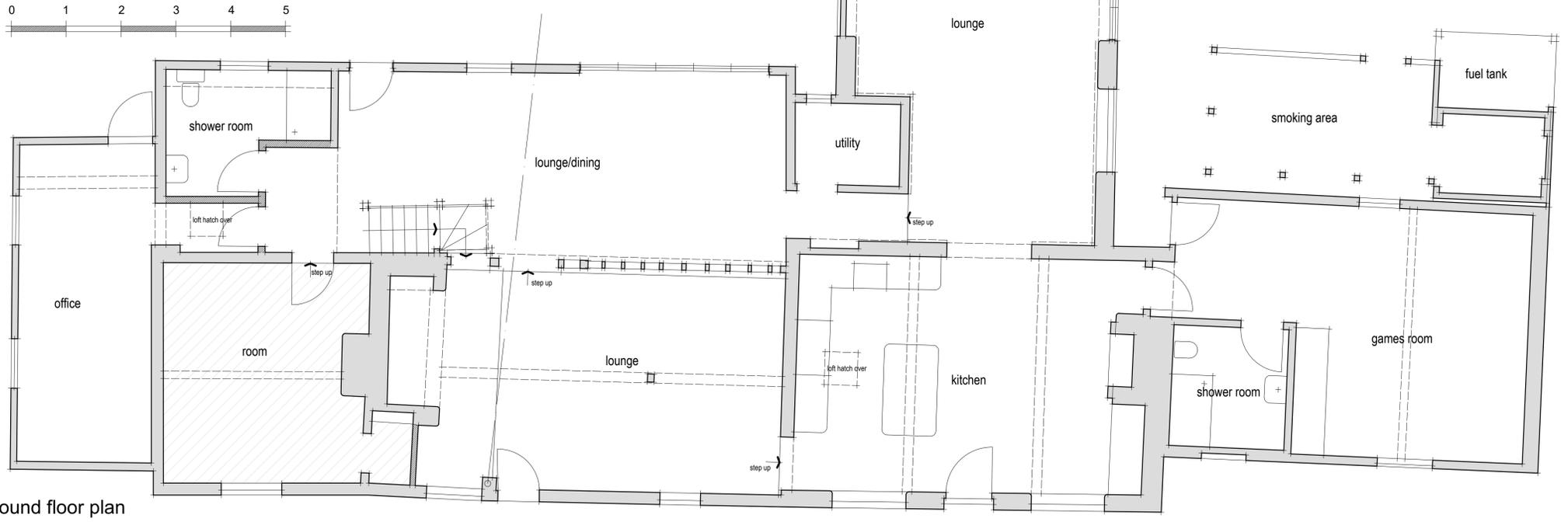


first floor plan



roof plan

PREMISES SHOWN AS SURVEYED ON 20 JULY 2016



ground floor plan

|                 |                                                        |
|-----------------|--------------------------------------------------------|
| PROJECT:        | THE CABINET<br>HIGH STREET<br>REED<br>HERTS<br>SG8 8AH |
| DRAWING:        | EXISTING<br>PLANS SECTION<br>ELEVATIONS                |
| DATE:           | AUG 2016                                               |
| SCALE:          | 1/50 1/100 at A1                                       |
| DRAWING NUMBER: | 16/001/A/01 C                                          |

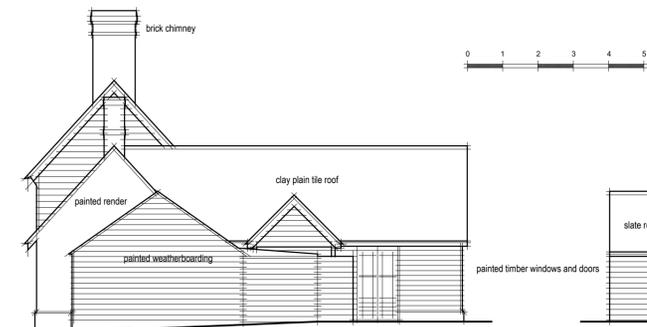
DRAWN BY: MMC CHECKED:

**architecture**  
 & design services ltd.

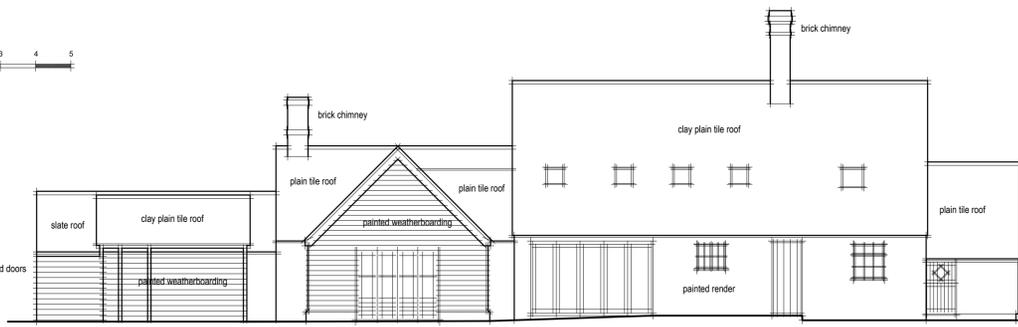
Parndon Mill | Harlow | Essex | CM20 2HP

T: 01279 444 904  
 E: info@sandst.co.uk  
 W: www.sandst.co.uk





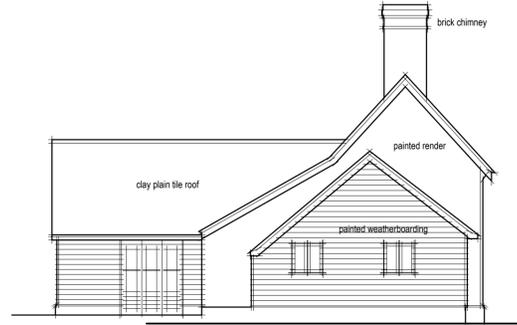
north elevation



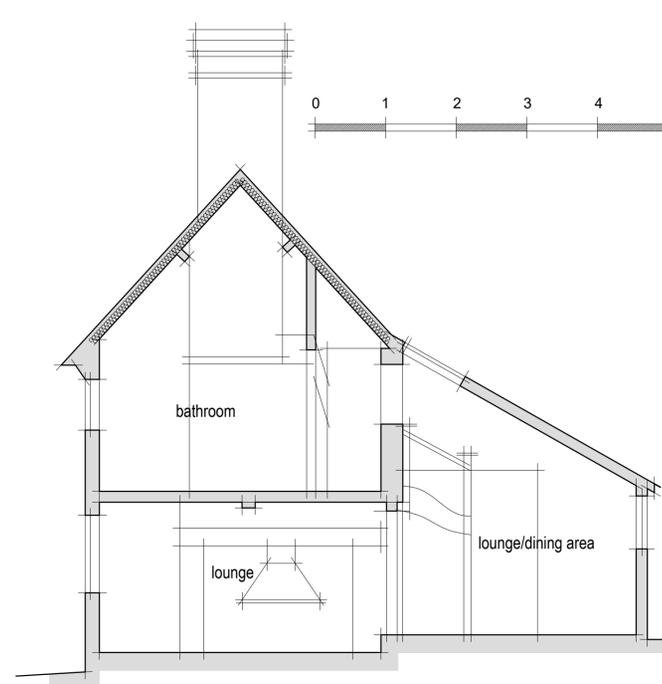
west elevation



east elevation



south elevation

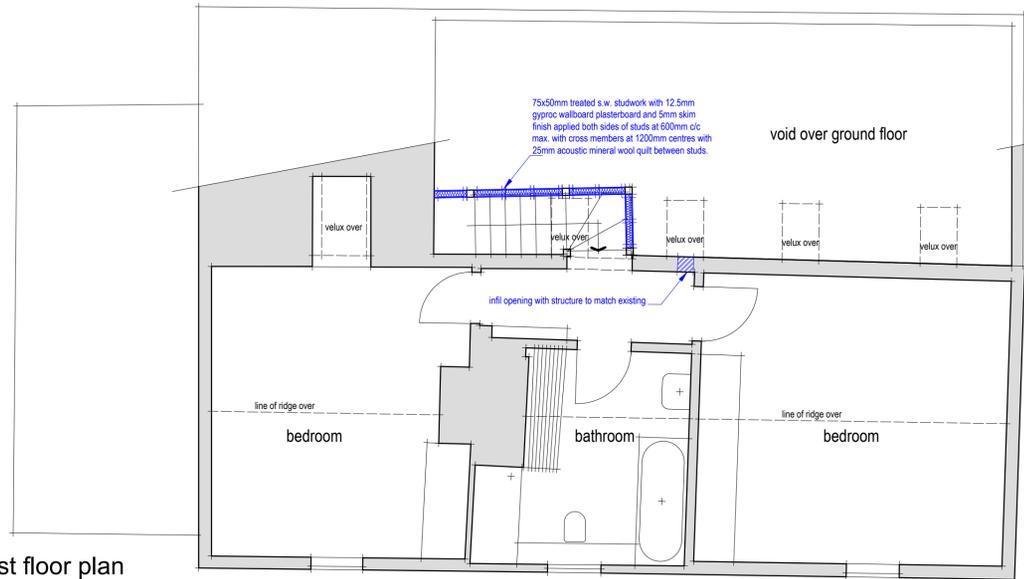


typical section

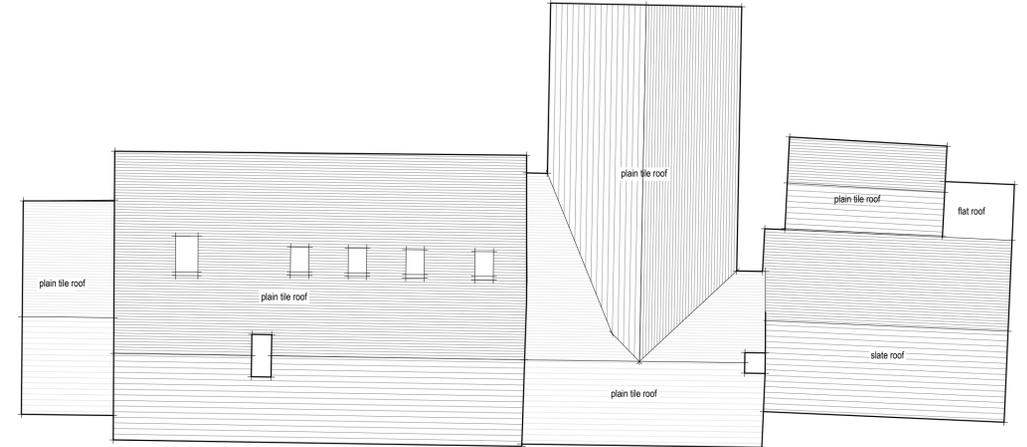
WORKS UNDERTAKEN BY CURRENT OWNER WITHOUT LISTED BUILDING CONSENT SHOWN IN RED  
PROPOSED WORKS SHOWN IN BLUE

NOTES / REVISIONS

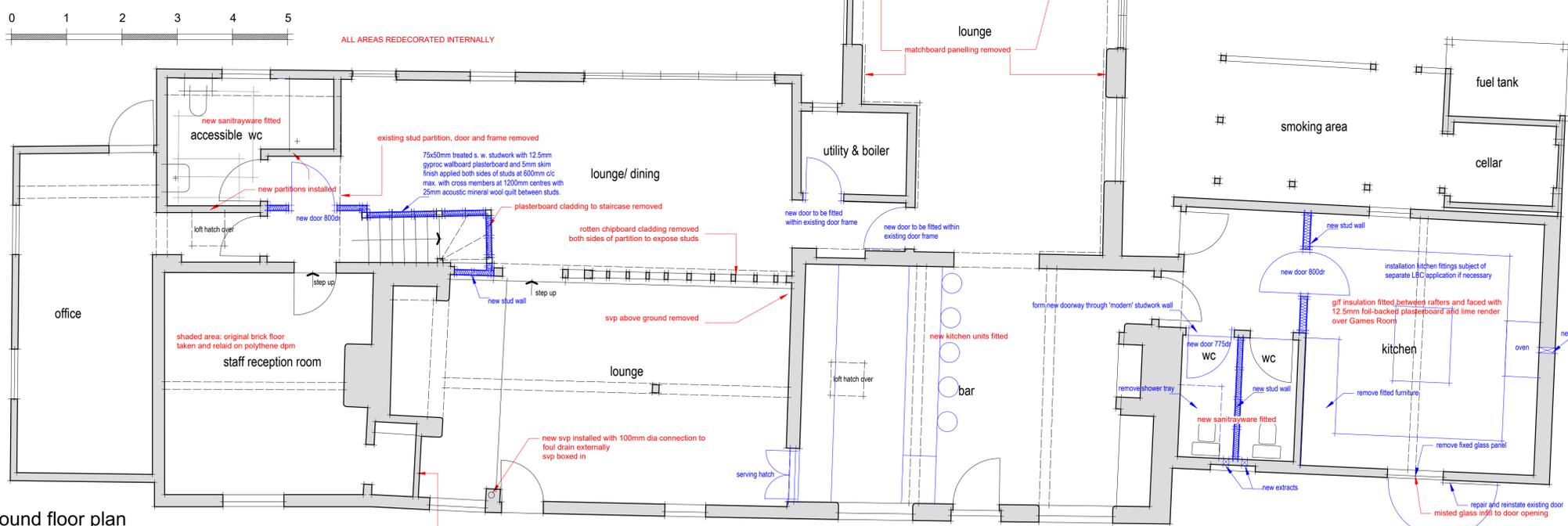
NOTE: THIS DRAWING MUST NOT BE SCALED.  
ALL DIMENSIONS TO BE CHECKED ON SITE BY THE CONTRACTOR AND ANY DISCREPANCIES ARE TO BE REPORTED BACK TO THE ARCHITECTS BEFORE WORK COMMENCES.  
revision a: insulation of roof over games room added - mdc - 13 June 2017  
revision b: work to lounge omitted; removal of first floor ceilings noted - mdc - 11 July 2017  
revision c: works to reinstate pub use added - snc - 14th May 2019  
revision d: existing 'unauthorised' works (in red) transferred from drawing 16/001/A/01 as requested by lps - mwc - 3rd June 2019  
revision e: movement zones indicated in accessible wc - mwc - 19th July 2019



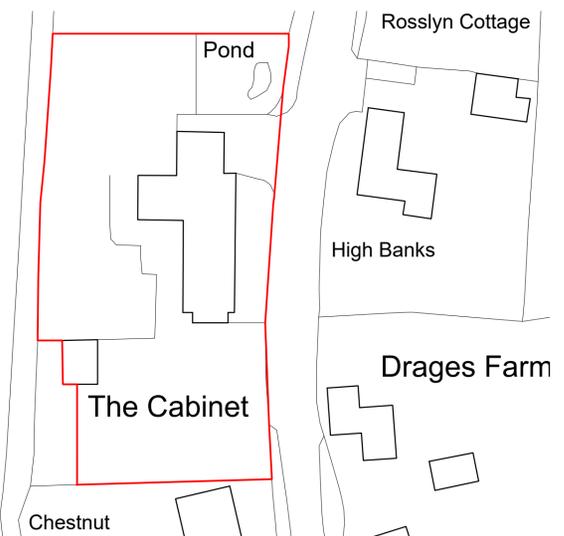
first floor plan



roof plan



ground floor plan



block plan 1/500

|                 |                                                        |
|-----------------|--------------------------------------------------------|
| PROJECT:        | THE CABINET<br>HIGH STREET<br>REED<br>HERTS<br>SG8 8AH |
| DRAWING:        | PROPOSED<br>PLANS SECTION<br>ELEVATIONS                |
| DATE:           | FEB 2019                                               |
| SCALE:          | 1/50 1/100 at A1                                       |
| DRAWING NUMBER: | 16/001/A/03 E                                          |

DRAWN BY: MDC CHECKED:

architecture & design services ltd.

Pardons Mill | Harlow | Essex | CM20 2HP

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E: info@sandds.co.uk  
W: www.sandds.co.uk

