
APPLICATION NO.	23/02580/LBWN
APPLICATION TYPE	LISTED BUILDING WORKS - NORTH
REGISTERED	10.10.2023
APPLICANT	Mr and Mrs English
SITE	The Black Swan, High Street, Monxton, SP11 8AW, MONXTON
PROPOSAL	Structural repairs including the rebuilding of the gable wall, re-thatching of part of rear range, external and internal repairs, replacement of modern finishes and internal alterations to facilitate the conversion to a residential dwelling
AMENDMENTS	Amended/additional plans and information received: <ul style="list-style-type: none">• 23.10.2023• 06.12.2023• 12.12.2023• 03.01.2024
CASE OFFICER	Emma Jones

Background paper (Local Government Act 1972 Section 100D)
[Click here to view application](#)

1.0 INTRODUCTION

1.1 The application is presented to Northern Area Planning Committee at the request of a Member for reasons of wider community interest/policy.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The Black Swan is a grade II listed building located within the village of Monxton, and within the Amport and Monxton Conservation Area. Part of the property is currently occupied by the applicants for residential purposes, and overall the property was formerly run as a public house. It is understood that this use ceased in April 2016. The Black Swan Public House was nominated as an Asset of Community Value in July 2016 by Monxton Parish Council, and it was listed as such in September 2016. The listing expired in September 2021.

3.0 PROPOSAL

3.1 The application seeks listed building consent for structural repairs including the rebuilding of the gable wall, re-thatching of part of rear range, external and internal repairs, replacement of modern finishes and internal alterations to facilitate the conversion to a residential dwelling. It is noted that listed building consent is not required for the change of use of the public house, and therefore this is not being considered as part of this application.

3.2 Amended/additional plans and information have been submitted during the consideration of the application, which respond to consultation responses.

4.0 **RELEVANT HISTORY**

4.1 23/02579/FULLN; Change of use and conversion of the former Black Swan Public House to a residential dwelling (Use Class C3) and associated works – Pending consideration

4.2 23/01105/LBWN; Change of use of rear single storey section of former pub and beer garden to residential for one year, reverting back to use as pub, including installation of temporary stud wall, reversible alterations to form kitchen and bathroom – Pending consideration

4.3 22/02007/LBWN; Change of use of rear single storey section of former pub and beer garden to residential for two years, reverting back to use as pub at the end of 2 years – Refused – 02.03.2023, for the following reason;

1. *The proposed conversion of part of the Black Swan public house to a residential dwelling (albeit for a temporary period) would contribute to the erosion of the character of the historic village by virtue of the potential impacts on the viability of an historic community facility which with other key services contributes to the sense of place and ability to understand the history of the settlement. The proposal would therefore fundamentally and harmfully change the character of the building which would damage both the special interest of the pub but also the contribution it makes to the appearance of the street and Conservation Area. It would result in less than substantial harm to both heritage assets and there is not sufficient public benefit to outweigh harm. The proposed change of use fails to meet the requirements of Test Valley Borough Revised Local Plan 2016 policy E9.*

4.4 20/00724/LBWN; Conversion of the former Black Swan Public House to a residential dwelling and associated works (Use Class C3) – Refused - 02.12.2020, for the following reasons;

1. *The proposed conversion of The Black Swan to a residential dwelling would erode the character of the historic village by virtue of the loss of an historic community facility which with other key services contributes to the sense of place and ability to understand the history of the settlement. The change of use would fundamentally and harmfully change the character of the building which would damage both the special interest of the pub but also the contribution it makes to the appearance of the street and Conservation Area. It would result in less than substantial harm to both heritage assets and there is not sufficient public benefit to outweigh the harm. The proposed works are contrary to Test Valley Borough Revised Local Plan 2016 policy E9;*
2. *No ecological information has been submitted with the application to demonstrate that no harm to biodiversity would arise from the proposals, and insufficient information has been provided regarding the extent of works/repairs that would be required to the roof of the existing building. Furthermore, no biodiversity enhancement measures have been incorporated into the proposals. The proposal fails to demonstrate*

that the works would conserve and enhance biodiversity. The proposed works are contrary to Test Valley Borough Revised Local Plan 2016 policy E5.

4.5 19/01230/LBWN; The relocation of the Black Swan to a new building erected on the Black Swan Car Park, construction of two 2 bedroom dwellings and the conversion of The Black Swan Public House to a single dwelling – Withdrawn - 11.11.2019

5.0 **CONSULTATIONS**

5.1 **Ecology**; No objection

5.2 **Conservation**; Comments (following submission of additional information) summarised as follows;

- In terms of physical proposals these fall into three areas: retention/regularisation of work already carried out; proposed demolitions; proposed insertions;
- Some elements result in “less than substantial” harm and would need to be outweighed by public benefits;
- Design and Conservation have previously raised an objection to the conversion of the public house to residential, on the grounds this would harm the historic character of the listed building and the contribution it makes to the significance of the conservation area. If you are satisfied that the application has demonstrated that the pub use is no longer viable, and that the proposed residential use is needed in order to ensure the long-term future of the building, this would be considered to be a public benefit to weigh against that harm

6.0 **REPRESENTATIONS** Expired 21.12.2023

6.1 **Monxton Parish Council**; Objection, summarised as follows;

- Applicants have not shown in substance that the use of the Black Swan pub is no longer or cannot be made commercially viable. There remains a need for the pub, or a similar enterprise of that nature, on the High Street of Monxton;
- Viability Report reaches prejudiced conclusions which fail to address the specific circumstances relating to the Black Swan pub in Monxton;
- The Black Swan pub was sold by Enterprise Inns not because it was not viable, but because they could not find a tenant able to meet its rising rental and alcohol costs. It was then sold, together with the car park and the Monxton Green, for £225,000. We note the amount paid, as this is a key factor when assessing viability;
- The new owner allowed the Black Swan pub to fall into disrepair for over 5 years, making no attempt to run it as a pub for any period of time (and thereby establish viability in substance) and applying for change of use (repeatedly refused). This is a familiar tactic by builders to obtain change of use;
- After unsuccessful attempts to obtain change of use, the owner then placed the pub and the car park (not the Monxton Green) on the market for £395,000. There were no buyers willing to purchase the pub at that price, as the pub was in complete disrepair and the asking price did not

represent fair market value for the pub. It is arguable whether they had any real intention to sell the pub and the car park or whether this was again some failing attempt to evidence non-viability;

- The owner did find a buyer from their own village (off-market) to purchase just the pub and not including the car park for £400,000 in cash. But it is now clear that the buyers, now the applicants for this change of use application, had no intention of running the premises as a pub, and bought the property with the sole intention of making it their residential home;
- The purchase price reflects more what one might pay for a residential property, with a high amount of embedded change of use risk should change of use be refused. To try to and satisfy the non-viability requirement of COM 14 for change of use, the applicants are now trying to “market” the derelict Black Swan pub (without the car park) for £300,000;
- As set out in the Myddleton & Major report an offer was made to buy the Black Swan pub from the applicants for £50,000 in July 2022. In real terms, this represents an offer of £400,000 to get the pub running again. The applicants refused this offer – presumably because it was £250,000 under the asking price – but certainly not because it did not represent a fair value of the pub at the time in its condition;
- Understand that recently a number of additional offers have been made to purchase the pub. Presumably these are actual indications of the viability of the pub (or alternative community enterprise), rather than a Viability Report provided by the applicants that has been drafted in a vacuum of irrelevant circumstantial market detail, and any other consultants who may “conclude” its non-viability on any other spurious grounds;
- The marketing price of £300,000 is a gross overvaluation of the property and a material deterrent to any potential purchaser of the pub. Refute any argument and any report stating that £300,000 is a fair market value for a pub in complete disrepair and one which the applicants themselves admit would require at least an additional £350,000 to make good;
- Would argue that; in substance the applicants have failed to market the Black Swan pub in any real sense to disprove viability; and the requirement of Planning Policy COM14 to demonstrate that the Black Swan pub is no longer or cannot be made commercially viable has not been satisfied;
- The Black Swan property in its original form included the pub itself, the car park and the Monxton Green. Would strongly urge TVBC to put in place supplementary planning guidance to protect these areas from overdevelopment or, at least in relation to the Monxton Green, any development at all. The car park's planning use is for the benefit of the Black Swan and the Monxton Green is for the benefit of the community of Monxton, regardless of ownership. Recommend that a section is created in the new 2040 Local Plan specifically for Monxton, clearly laying down policy for the future of the village including the Black Swan, the car park and the Monxton Green and any other relevant matters;

- Monxton Village Design Statement (VDA) could be amended/updated to be specific to these policies and land use matters in addition to design matters;
- Any consideration of this application by TVBC planning would be premature until the policy for these properties/sites in Monxton are fully secured;
- Not sufficient public benefit (housing for one family) to outweigh the fundamental and harmful change of character for the village of Monxton, both in relation to the public house as well as the Monxton Green (as noted above, the two are inexorably linked). The public house contributes both as a special interest pub for villagers and others to congregate as well as to the appearance of the street and the conservation area. The contribution of the Monxton Green to the character of the village is immeasurable, as it is a green, public space for villagers and others to appreciate and use with dogs and children with access to the adjacent Pillhill Brook. It should be noted that Monxton Parish Council still maintains the Monxton Green today in return for the villagers being able to use it for recreational purposes;
- The pub was in reasonable condition when it was first acquired by builders seven years ago, however they did not undertake the maintenance works required to keep the building in good condition and the current owners have also failed to make the repairs required;
- The applicants – in their separate application for repair works (23/02580/LBWN) - list five major renovation work packages and this is testament to the severe lack of maintenance by them and the previous owners (the responsibility of which rests with the applicants). The photographs included in this additional application evidence the level of disrepair, despite it being a criminal offence;
- Find it difficult to understand why TVBC has not taken enforcement action to date in relation to the repairs required for this listed building (shortly after it was purchased by the applicants an enforcement officer came to the property and assessed the state of disrepair, however no action was taken);
- It seems the applicants now (after almost two years of ownership) only want to effect repairs in relation to residential use – so if this change of use application is refused, then would the applicants not be required to repair their Grade 2 listed property just the same?

6.2 **2 x letters;** Objections from The Cottage and Hutchens Cottage (Monxton); with comments summarised as follows;

- Pleased that application contains plans to restore the fabric of the listed Grade 2 Black Swan Public House. Assume that the various listed buildings, heritage and conservation public bodies have viewed and appraised the state of the building and have insisted that such work be carried out;
- Such plans seem inexorably linked to the "change of use application" it is implied that if this application were to be refused (as with the past applications) the fabric of this listed building will not be restored. The application to restore the building should be separate from the change of use application;

- The application and supporting information makes many references to impact on the village and surrounding area even suggesting that should the Black Swan operate as a pub in the future that no deliveries could be safely made for fear of blocking the High Street. Most properties on the north west side of the High Street have no alternative but to park on the road and with the increasing number of cars per household the situation is worsening all the time. Deliveries to these homes are always difficult. We have to live with it;
- If the pub can no longer be considered viable, serious consideration must be given to the impact of an increased load on traffic and parking. A future application for development of more houses will exacerbate the already overburdened strain on village parking. Furthermore, should such an application be submitted we run a risk of losing our village green changing our pretty and ancient village beyond all recognition;
- Change of use is not required to maintain a Listed Building, hence whilst I support the structural repairs and maintenance of this Listed Building this must not be conditional on the proposed change of use from the current use to residential use or to facilitate residential use;
- What are TVBC to enforce the repair of this important grade 2 Listed Building regardless of this application, as this property has been deteriorating since it was sold by the brewery some 7 years ago;
- There is no point having Conservation Policies and Listed Building legislation if they are flouted and ignored wholesale;
- As the owner of a property, trying to gain a change of use and having invested your own cash in this property, would you not be maintaining your asset rather than letting it fall into disrepair and potentially severe consequences if you don't do so?;
- The lack of maintenance of a Listed Building to this degree is not just a breach of the Listing status but also a criminal offence, certainly letting it degrade into its current condition and continuing to do so must be treated as such. In fact it could be strongly argued that TVBC have been negligent in not enforcing the repair of this important Listed community building. The fabric of the building is rapidly deteriorating, additionally half the first floor on the main two storey building at the front has collapsed from an inspection during the agent's sale viewings back in 22nd January 2022.

6.3 **13 x letters**; Support from The Willows, Paisley House (x2) (Monxton); 2 Prince of Wales Way (Middle Wallop); Northbrook Barn and Farley Farm Barn (Nether Wallop); Clanville House (Clanville); Windmills (Hurstbourne Tarrant); 2 Sarson Barns, Old Parke House and Broadmeadow (Amport); 4 Trenchard Road (Andover); and an unknown address, with comments summarised as follows;

- Would much rather see this derelict building being built into a family home than rotting into nothing;
- Many people have tried and (sadly) failed to rejuvenate the Black Swan as a pub over a number of years. It is therefore not a viable business. It must surely follow that a change of use is required to allow the property to be restored and used as a residential dwelling;

- Don't believe this village can support another pub, and certainly not one without any parking. The roads are tricky enough to navigate as it is;
- The Black Swan has not operated as a pub for many years, and as no one wants to run it as a pub it is infinitely better for it to be sympathetically converted into a family home to protect the building for the future. Giving a disused building a new lease of life can only benefit the public. There simply isn't enough footfall to support the Black Swan as a pub and the Hawk. Sentimental nostalgia does not make for a viable business plan, but a restored and much loved home for a young family will ensure the building will be able to be enjoyed for many decades to come;
- Not enough demand for all the pubs that are still open let alone a new one;
- Not all change of use applications are appropriate but this case would see the restoration of a dilapidated building in the heart of the village;
- Many in the area do not want to publicly show their support for the change of use because of the strength of feeling amongst the objectors. I am aware of some who feel bullied into not voicing publicly their private support for the change of use so it was interesting to hear so much public village support from those attending recent parish council meeting;
- Comments have been posted on the local village page of Facebook, where there has been further support from local villagers who are interested in the future of this property and its full repair/renovation as a listed building on the village street;
- Some of those objecting to the planning application do not per se object to a change of use of the former Black Swan pub. Rather, they only objected through a belief that, if permission for change of use of the pub is successful, a future planning application for conversion to residents of the car park further down the High Street in Monxton and potentially even the village green would be more likely to succeed. The split ownership of these sites should not form the basis of a decision for the change of use of the pub;
- There would be no harm to the heritage interests of this Listed Building or Village Conservation Area – but the real benefit of this heritage asset being repaired and renovated, so as to result in its optimum viable use being achieved.

6.4 **2 x letters;** Comments from the owner of The Hawk Inn (Ampport) and The School House (Monxton), summarised as follows;

- Am aware of the background to the Black Swan and the sad closure of the Pub. We did look at the pub a number of times over the past 12 years as a possible addition to our estate but we have never been able to make an economic argument for it to be successful. Given the nature and costs of running pubs which has significantly increased in recent years I do not believe that the Black Swan can meet the needs of a modern pub and its lack of parking (even with the car park which looks like it has been separated from the title) will mean it has to fundamentally survive on its local village trade. This is outside of any costs associated with re opening the site. Success would result in cars

parking on the high street which is already very narrow. I do not believe that the local community could sustain a pub in this location;

- This will no doubt seem like we are concerned about business being drawn from the Hawk. While this is a concern we believe the impact would be minimal but it would have an impact on the Hawk;
- My genuine concern is that the Black Swan is not a viable business and does not have the infrastructure to survive in such a rising cost environment;
- Whilst I support the repair of the former Black Swan pub, it was very sad that the previous owners, a local property developer, let it get into such a state;
- Do not support the building being converted into residential use. It is against Policy COM14 for a village to lose its facilities and whilst this property may or may not be viable as a pub, it can also be resurrected as a community facility of some sort;
- Repairing a listed building should not be transactional on being allowed to convert the property to residential use.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Planning (Listed Buildings and Conservation Areas) Act 1990

7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

Policy E5- Biodiversity and Policy E9- Heritage.

7.3 Supplementary Planning Documents (SPD)

Village Design Statement; Monxton

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

8.2 **Character, appearance and heritage**

Policy E9 of the RLP requires development to make a positive contribution to sustaining or enhancing the significance of heritage assets, taking account of their character, appearance and setting. In respect of this current proposal, the heritage assets to take into consideration are the listed building at The Black Swan, the Ampert and Monxton Conservation Area, and the surrounding listed buildings and buildings of historic interest.

8.3 The statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

- 8.4 The Black Swan is a Grade II building and lies at the heart of the Amport and Monxton Conservation Area, flanked by other listed buildings, and in the settings of many others. Anecdotal evidence suggests the building dates to c.1662 (though the list entry dates it to the 18thC) and it was originally known as 'Ye Swan', with the name changing to 'The Black Swan' in the 19thC. There is a large extension at the rear. The main building, which is set flush to the road, is constructed in brick, painted white, and it has a tiled roof with a catslide to the rear. There is a wrought iron bracket for the hanging sign at eaves level on the front elevation. Historic mapping from the 19thC shows the building marked as the 'Black Swan' and contemporary photographs show it was the affiliated to Hammans of Andover. It is cited within the Amport, Monxton & East Cholderton Conservation Areas character appraisal (page 18) as a building key to the special interest of the conservation area. An important part of the building's significance, therefore, is its historic use as a public house.
- 8.5 The proposal includes internal alterations to facilitate the conversion of the building to residential, including the installation, replacement/reinstatement and removal of internal walls/partitions, the removal of the bar, and structural works/repairs. Externally, structural repairs are proposed, including the repair/rebuilding of the gable wall, as well as re-roofing and re-painting, and a restoration of the public house signage. The majority of the works proposed would make a positive contribution to sustaining and enhancing the significance of the heritage asset, comprising of urgent repairs. The application proposes minimal internal alterations to the historic core of the pub, and would not result in the loss of historic fabric elsewhere within the building, with the bar fittings and partition walls being removed and/or replaced being modern additions. That being said, the loss of the bar fittings would cause harm to the significance of the building as a listed pub. In addition, the installation of a partition wall within the rear, formerly detached, cob building is considered to cause some harm to the significance of this part of the building. There is no evidence to suggest that this space has historically been divided. The proposed external works would be visible from the Conservation Area to varying degrees, but in sustaining and enhancing the significance of the listed building, it is considered that the same could be said for their impact on the significance of the Conservation Area.
- 8.6 It is considered that the proposal would result in harm to the special interest of the listed building from the loss of features that contribute to the significance of the building as a listed pub, and through the installation of a partition wall within the historically open rear section of the building. This harm, which is considered to be less than substantial, would need to be weighed against any public benefits of the proposal. In this instance, it is considered that it has been sufficiently demonstrated that the building is no longer or cannot be made commercially viable (as a public house), cannot provide suitable accommodation, and is not needed for the existing use or another community use (and thus complies with RLP policy COM14 as discussed in respect of current planning application 23/02579/FULLN). It is therefore considered that it has been sufficiently demonstrated that conversion to a domestic dwelling is the best means of securing the long term future of the building, which would be

facilitated by the works proposed as part of this application. This is considered to be a significant public benefit that would outweigh the harm identified, i.e. that conversion to a domestic dwelling is the best/only means of securing the long term future of the building. Other benefits would also arise from the proposed works, including economic benefits during the construction phase, social benefits through the creation of an additional dwelling which would be facilitated by the proposed works, and environmental benefits from ecological enhancements.

8.7 Overall it is considered that the works proposed in order to facilitate the conversion of the Black Swan to a residential dwelling would result in harm to the special interest of the building as a pub. The proposed works would result in less than substantial harm to the significance of the heritage asset, however, it is considered that it has been sufficiently demonstrated that the conversion to a domestic dwelling, which would be facilitated by the proposed works, is the best means of securing the long term future of the building, which would be a significant public benefit that would outweigh the harm identified. The proposed change of use would comply with policy E9 of the RLP.

8.8 **Biodiversity**

Policy E5 of the RLP requires development to conserve, and where possible restore and/or enhance biodiversity. The application is supported by ecological surveys and assessments, and a Construction Environmental Method Statement (CEMP). This includes consideration of impacts on the adjacent Pillhill Brook (to the north of the site), which is a SINC (Site of Importance for Nature Conservation). The submitted information concludes that the proposals would not have an adverse impact on protected species or habitats, but that precautionary measures should be taken to minimise the risk of disturbance. Recommendations are included within the submitted information in respect of this, which are considered to be appropriate. Adherence to these recommendations are proposed to be secured by condition, together with the incorporation of biodiversity enhancements.

8.9 **Other matters**

Comments made by third parties in respect of the viability of the pub are not material in the consideration of this application for listed building consent, but are material in the consideration of the current planning application that has been submitted for the proposals (application reference 23/02579/FULLN).

8.10 The Council cannot prevent the subdivision of a site, as has been described in third party representations in respect of the Black Swan Inn, the car park and the village green. This current application solely relates to works to facilitate the conversion of the building at the Black Swan. The Council cannot require that the other land identified above be included in this current application. Any redevelopment of these other sites would require the submission of a separate application/s. In the event that consent were to be granted for the current proposals, it is not considered that this would set any precedents, and all future applications would be considered on their own merits. Any specific planning policies in relation to these other sites could be put forward as part of the Neighbourhood Plan process.

9.0 CONCLUSION

9.1 It is considered that the works proposed in order to facilitate the conversion of the Black Swan to a residential dwelling would result in harm to the special interest of the building as a pub. The proposed works would result in less than substantial harm to the significance of the heritage asset, however, it is considered that it has been sufficiently demonstrated that the conversion to a domestic dwelling, which would be facilitated by the proposed works, is the best means of securing the long term future of the building, which would be a significant public benefit that would outweigh the harm identified. The proposed works would also facilitate economic, social and environmental benefits.

9.2 Subject to conditions, the proposed works are also considered to be acceptable in respect of their impacts on biodiversity. The proposal is acceptable, and would comply with the relevant policies of the RLP.

10.0 RECOMMENDATION

CONSENT subject to:

1. **The works hereby consented to shall be begun within three years from the date of this permission.**

Reason: To comply with the provisions of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. **The works hereby consented to shall be carried out in accordance with the submitted Construction Environmental Method Statement (CEMP) and the Pre-Engagement Ecology Note Response (both documents prepared by Chalkhill Environmental Consultants, dated 6 October 2023), and the submitted Ecology Advice Note (prepared by Chalkhill Environmental Consultants, based on surveys dated August and September 2023).**

Reason: To conserve and enhance biodiversity in accordance with Test Valley Borough Revised Local Plan (2016) Policy E5.

3. **The works hereby consented to shall not take place until a detailed scheme of biodiversity enhancements to be delivered at the site, including a schedule of implementation, have been submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be installed in accordance with the approved details, and shall be thereafter maintained and retained as such.**

Reason: To enhance biodiversity in accordance with Policy E5 of the Test Valley Borough Revised Local Plan 2016.

4. **No external lighting shall be installed at the site until full details have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and operated in accordance with the approved details.**

Note: All lighting should follow best practice guidelines outlined by the Bat Conservation Trust and the Institute of Lighting Professionals (Guidance note 08/18 Bats and artificial lighting in the UK).

Reason: To protect existing bat populations within the area in accordance with Policy E5 of the Test Valley Borough Revised Local Plan 2016.

- 5. Further conditions to be advised by the Council's Conservation Officer and to be reported in an Update paper.**
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