



Appeal Decision

Site visit made on 26 October 2016

by Zoe Raygen Dip URP MRTPI

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

Decision date: 29 November 2016

Appeal Ref: APP/D2510/W/16/3151819

Red Lion Public House, Main Road, Baumber, Lincolnshire LN9 5ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Richard Peall against the decision of East Lindsey District Council.
 - The application Ref S/011/00598/15, dated 26 March 2015, was refused by notice dated 19 February 2016.
 - The development proposed is demolition of existing Public House and erection of seven dwellings and associated infrastructure.
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Decision

1. The appeal is allowed and outline planning permission is granted for the demolition of existing Public House and erection of seven dwellings and associated infrastructure at the Red Lion Public House, Main Road, Baumber, Lincolnshire LN9 5ND in accordance with the terms of the application, Ref S/011/00598/15 dated 26 March 2015 subject to the conditions set out in the schedule to this decision notice.

Procedural matters

2. The application has been made in outline with all matters reserved for future consideration. I will consider the appeal on this basis. The appellant has submitted a layout plan which I will treat as indicative only.
3. The appellant has submitted a structural survey of the Red Lion Public House as part of his appeal statement. However this has not been the subject of consultation. Were I to accept the survey therefore, interested parties may be prejudiced. Accordingly I have determined the appeal in accordance with the documents and drawings considered by the Council.

Main Issues

4. The main issues are:
 - i) whether the proposal would entail the unacceptable loss of a valued facility or service or social facility considered important to the local community, and
 - ii) the effect of the proposal on the setting of Thatched Cottage and the wash house which are grade II listed buildings.
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Reasons

Loss of local community facility

5. There is no dispute between the parties that if the loss of community use on the site was acceptable in principle, then housing would be a suitable replacement use subject to achieving satisfactory environmental standards and the effect on the setting of the adjacent listed buildings.
6. Saved Policy CF2 of the East Lindsey Local Plan Alteration 1999 (the Local Plan) states that development which involves the loss of a community or social facility considered important to the community will not be permitted unless it is shown to be not necessary or viable in the long term or an accessible replacement facility is provided elsewhere in the vicinity. I find this to be broadly in accordance with the requirements of paragraphs 28 and 70 of the National Planning Policy Framework (the Framework) regarding guarding against the unnecessary loss of valued local facilities. I therefore give Policy CF2 considerable weight.
7. The Red Lion Public House has been closed for the last 5 years since the appellant purchased it for, in his words "development land". Both parties agree that the Red Lion was closed before that, but details of occupation over the preceding 20 years are sketchy. The appellant states that it has not been able to stay open for an extended period of time with a number of landlords attempting to establish a viable business but failing. However, I have been supplied with no viability appraisal, nor has there been any details submitted of the last marketing exercise carried out as required by saved Policy CF2.
8. Nonetheless, the Council does not dispute that the Red Lion, if open, would serve the limited population of Baumber of around 168 people. From the evidence of the Parish Council, when the pub was successful, a generation ago, it was extremely busy and popular with coach loads of people stopping enroute and away from Skegness as it is situated on the principle busy route to the coast. I saw that this could be the case, as the parking area associated with the pub is large and could easily accommodate substantial numbers of cars and coaches.
9. Although they consider the pub to be a highly valued community asset, the Parish Council go on to state that although used for large parties, this was not on a regular basis and there was agreement that when open probably 90% of the population of Baumber did not frequent it. This is reinforced by the fact that I have seen only one letter from the occupiers of Baumber objecting to the loss of the public house.
10. I note that one of the principal concerns of the Parish Council is that if the public house is lost it will never return. Having already lost the post office, school, policeman and vicar I can understand those concerns. However I note that the village hall is suffering financially which is located within the main built up area of Baumber.
11. I saw that the Red Lion is situated on the opposite side of a busy road from the main built up area where there would be no safe or convenient means of access by foot. As a result it would not be a particularly suitable site for other community uses. This together with it serving a limited population who appear not to have frequented it or significantly object to its removal leads me to conclude that the pub is not or indeed was a valued facility that is considered important to the community. Moreover the use of the site for seven houses would

provide a significant number of households which may add further support for the village hall.

12. The two nearest public houses to the settlement are between 1 and 3 miles away. I appreciate they would be accessed along narrow roads that would be unattractive to cyclists and walkers and therefore more likely to be visited via the car. However, this is not unusual in more remote rural areas. I am satisfied therefore that there would be alternative public house facilities available to meet the day to day needs for the population of Baumber.
13. For the reasons above I consider that the proposal would not lead to the loss of a valued community service or social facility considered important to the local community. It would therefore be in accordance with saved Policy CF2 of the Local Plan and paragraphs 28 and 70 of the Framework.

Setting of Listed Building

14. The residential property adjacent to the appeal site is a one and a half storey thatched cottage which is listed grade II. The list description suggests that the significance of the building is largely architectural reflecting the particular style of the Cottage. A washhouse in the grounds of the cottage is also listed for group purposes. The buildings are set within a large garden which has mature landscaping on its boundaries together with a high close boarded fence facing the appeal site, both providing a degree of enclosure. Nonetheless, the open nature of the garden of the property to the south east and the pub car park to the north west allows localised views of the upper part of the cottage, although not the washhouse, from further afield.
15. The view from the north east would not be altered. While the proposal is in outline form, the provision of seven dwellings of the site would, given the size of the site, have the potential to erode the openness of the setting of the listed building from the south east. I appreciate that the layout plan is indicative only and I note the conclusions of the Council regarding the level of the harm to the setting of the listed building. Nonetheless, the plan demonstrates a solution through setting the closest buildings to Thatched Cottage back in the site and allowing a large side garden. As a result open views towards the Cottage would be maintained from the north-west to a degree which would ensure there would be no harm to the setting of the Listed building.
16. Overall therefore, for the reasons above I conclude that that the proposed development would preserve the setting of Thatched Cottage and the associated wash house. As a result there would be no conflict with saved Policy C2 of the Local Plan and paragraph 131 of the Framework. These require that development preserves or enhances the setting of listed buildings and sustains and enhances the significance of heritage assets.
17. Interested third parties refer to PPS6: Planning Archaeology and the Built Heritage and in particular Policy BH11 Listed Buildings. However this document is not part of the Council's development plan or the Framework.

Other matters

18. The appeal site is located within an Area of Great landscape Value (AGLV). Although the proposal is in outline form, the Council consider that the indicative layout would be in keeping with the character of the village and would not lead to a significantly harmful impact on the AGLV. Furthermore, as the proposal is in

outline form the indicative layout demonstrates that seven houses could be accommodated without harming the living conditions of the occupiers of the adjacent dwelling. I saw nothing on my site visit which would lead me to disagree with the Council's findings on these matters.

19. As the application has been made in outline form only then detailed matters of layout and housing design would be considered at a future date. Concerns have been raised regarding the safety of the access from the A158. Although I have been supplied with no figures, I am of the opinion that, the potential number of vehicle movements associated with a pub would be likely to be significantly higher than those for seven houses. Furthermore, I note that the Highway Authority has not objected to the proposal. I observed nothing on site that would lead me to reach a different conclusion.

Conditions

20. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance and have made such amendments as necessary to comply with those documents.
21. Given the findings of the appellants noise impact assessment I concur with the Council's Environmental Health Officer that a condition should be imposed requiring mitigation measures. However, the Council points out that the scheme is in outline form only and the findings of the report relate to the indicative layout only. It is necessary therefore to impose a condition requiring details of a noise mitigation measures be submitted in the interests of the living conditions of the residents.
22. The appellant's Archaeological Evaluation Report has identified surviving archaeology on the appeal site. I consider therefore that conditions are necessary to secure a scheme of archaeological investigation to ensure appropriate recording and mitigation. The details of this condition need to be submitted prior to any work commencing on site so that archaeology is not harmed.
23. Conditions requiring details of sewage disposal and surface water drainage are necessary to protect the living conditions of existing and future occupiers. Details of materials and existing land levels and proposed floor levels are required in the interests of the character and appearance of the area. Details of land and floor levels are required prior to work commencing on site as land levels may alter during development.
24. I have had regard to the conditions requested by the Highway Authority, of which the Council has only included one in their list of suggested conditions. However as the means of access is required to be submitted as one of the reserved matters and the internal layout has not been agreed then I do not consider it necessary or reasonable to add conditions in this respect.

Conclusion

25. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Zoe Raygen

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should include the following:
 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 2. A methodology and timetable of site investigation and recording.
 3. Provision for site analysis.
 4. Provision for publication and dissemination of analysis and records.
 5. Provision for archive deposition.
 6. Nomination of a competent person/organisation to undertake the workThe scheme of archaeological investigation must only be undertaken in accordance with the approved details.
- 6) The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in condition 5. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements.
- 7) A report of the archaeologists findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council within 3 months of the works hereby given consent being commenced; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.
- 8) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted dwellings until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 9) No dwelling hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. None

of the dwellings shall be occupied until it is connected to the approved drainage system.

- 10) None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 11) Construction work shall not take place until a scheme for protecting the proposed houses from noise from the A158 and the adjacent garage has been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before the houses are occupied and retained thereafter.