

Appeal Decision

Hearing held on 22 March 2017

Site visit made on 22 March 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 10th April 2017

Appeal Ref: APP/V2723/W/16/3161299

**The Travellers Rest, 22 Richmond Road, Skeeby, North Yorkshire
DL10 5DS**

- 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 Jon Whitfield (Euro Property Management) against the decision of Richmondshire District Council.
 - The application Ref 15/00618/FULL, dated 5 August 2015, was refused by notice dated 30 June 2016.
 - The development proposed is the change of use of public house to a single dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Jon Whitfield (Euro Property Management) against Richmondshire District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in the appeal is whether or not the proposal would result in the loss of a viable community facility.

Reasons

4. The appeal property is located in the village of Skeeby, a linear village located on either side of the main road from Richmond to the A1 at Scotch Corner. It also lies within Skeeby Conservation Area which covers the historic core of this former agricultural village. Buildings within the conservation area are generally grouped or are in short terraces, and have a simple robust vernacular style. There are also a number of listed buildings in the vicinity.
 5. The appeal building, which is vacant, is located on the end of a terrace on the main road. The ground floor of the building was last used as a public house, although all the fixtures and fittings relating to its use as such, including the bar and seating, have been removed.
 6. Core Policy CP11 of the Richmondshire Local Plan 2012 – 2028 Core Strategy (adopted December 2009) (RLP) states that proposals involving the loss or alternative development of existing community, cultural, and recreational
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assets will only be supported when certain criteria are satisfied. These being: (a) that the asset is no longer required and is redundant; (b) it is no longer, or cannot be made viable; (c) satisfactory alternative provision can be made that outweighs the loss; and (d) the proposal is for a new community, cultural or recreational asset, the need for which outweighs the loss, and has the support of the wider community. As the proposal is for a dwelling it would not comply with criterion (d), but the proposal needs to be tested against the other three criteria.

7. This policy reflects the guidance in the *National Planning Policy Framework* (the Framework) which promotes the retention of community facilities such as public houses in villages (paragraph 28). Support is also given for guarding against the unnecessary loss of valued facilities and services, particularly where this would reduce a community's ability to meet its every day needs (paragraph 70).

Criterion (a) - asset is no longer required and is redundant

8. There is no documented evidence regarding why The Travellers Rest closed in 2008, although a variety of potential reasons were put forward at the hearing. These included the high rent charged by the brewery, the economic downturn, the smoking ban, poor landlords, and the sale of 'cheap' alcohol in the supermarkets. Following its closure, the property was marketed for a couple of years before being purchased by the appellant.
9. It is clear that a significant number of local residents feel very strongly about the potential loss of what is the only public house in the village. Resistance to its loss was expressed in many letters of objections to the first application by the appellant for the change of use of the property to a dwelling in 2010, and this led to this application being withdrawn. In response to this public concern the Skeeby Community Pub Society (SCPS) was formed, with the aim of preventing the loss of the public house in the village by seeking to purchase and run a community owned public house, as has been done in some other villages in the area. Whilst the appellant has questioned why this was not done when the public house first closed, residents have indicated that until the first change of use application was made, it had been assumed that it would be sold and reopened as a public house, as it had been marketed for this purpose.
10. The strength of local feeling about the potential loss of the public house has continued despite the 7 years that have elapsed since the appellant bought the property. Moreover, this has been shown not only in objections to this current application for a change of use, but in significant numbers of financial pledges to enable SCPS to be able to put in offers to purchase the building. It has also led to the building being registered on the list of assets of community value, and during the first six months of being on the register, when the property cannot be sold for another use, the SCPS did put in an offer to purchase the building. As a result, I consider that there is local demand for a public house within the village.

Criterion (b) - is no longer, or cannot be made viable

11. The documentary evidence submitted with the appeal, and the subsequent discussion at the hearing, indicates that the public house has been marketed, for both freehold and leasehold, by a variety of means for a considerable period of time. This has been carried out by agents who specialise in the licensed

trade. During this time the price being asked for the property has been dropped from £265,000 to £175,000, and it is currently being marketed as "offers invited". Since purchasing the property, the appellant has also carried out a variety of repairs and alterations, but at present the building is in an unfinished state, awaiting confirmation of its use, and considerable work would be required to bring the building into use.

12. The evidence indicates that, although details have been downloaded or requested by a significant number of interested parties, the only offers that have been made during this time have been from the SCPS. The value of these offers have varied over time, but the latest offer, made in April 2016 was for £150,000. However, these have all been rejected. In addition, it was confirmed at the hearing that towards the end of 2016 an offer of £110,000 was received from another party interested in utilising the building as a 'sister' site for a current pub/restaurant, but that this potential purchaser was told that offers were not being considered until after the outcome of this appeal.
13. There is no agreement as to whether the asking price during this period has been reasonable or not. A number of different valuations have been provided but these provide no consensus on either the value of the property, or the costs of the works necessary to bring it back into use. In particular the limited number of other public houses on the market, and the differences in the locational characteristics, and in the nature of the buildings themselves, makes the valuation process complex. Whilst I note the appellant's criticisms of the valuation carried out on behalf of the Council, they have all been carried out by RICS surveyors, who provide reasoned evidence to support their valuation figure.
14. Nevertheless, notwithstanding these valuations, although being currently marketed as "offers invited", in order to minimise his losses, the evidence indicates that the appellant is not willing to sell the freehold for less than £220,000 or £195,000 with a 'clawback'. Both these figures are higher than the previous asking price of £175,000, and the valuations. As such, I am not persuaded that the premises is genuinely being marketed at a realistic price.
15. It is disputed by the parties whether the building can be a viable public house. The appellant has argued that even with a small rental payment, the size of the building is such that it would be unlikely to make a profit.
16. However, on the basis of their draft prospectus, SCPS are confident that a community owned public house would be viable. This draft prospectus was produced not only utilising expertise of the licensed trade within committee members, but with the help and advice of two national organisations who have successfully assisted a growing number of successful community owned public houses. This includes two relatively local examples of community owned public houses that have been operating successfully for a number of years despite previously being considered uneconomic and unviable businesses. In the light of this evidence, I consider that there is a reasonable prospect of a community owned public house being able to operate as a viable business. In addition, the offer made towards the end of 2016, indicates there is another individual who also considers the building could be a viable pub/restaurant.
17. In addition, the appellant has questioned whether SCPS have the actual ability to purchase the building as to date money has only been pledged, and no proof of funds has been provided. However, a considerable sum has been pledged to

date from a limited marketing campaign in the village, and on the basis of the experience of other community own public houses, SCPS are confident that if an offer was accepted they would be able to raise significantly more than is already pledged, as well as attracting grant funding. As this is assumption based on the experience of other similar community groups, I consider that there is a reasonable prospect of them being able to raise sufficient funds should an offer be accepted.

18. I note that during the period the appellant has been marketing the property he has offered it on a leasehold basis for similar rents to those proposed by SCPS, but has been unsuccessful in attracting any interest from potential tenants. However, it was indicated at the hearing that on the occasions that the other 2 local community ventures have sought new tenants they have been in the position of having to hold interviews, as a number of people had applied. This would appear to suggest that although the rent may be the same, a community-led proposition may prove more attractive to potential tenants.

Criterion (c) – satisfactory alternative provision

19. In terms of alternative provision, it has been suggested that the village hall provides a well-used meeting space for the community, and that it has on a number of occasions been used to run pub nights. However, whilst the residents accept that the village hall is also a very important asset in Skeeby, it does not have the same ambience as a public house. Moreover, it has limited space, and has to be pre-booked so cannot provide an informal and ad hoc meeting place. Consequently, I am not satisfied that it provides a reasonable alternative to a public house.
20. The appellant highlighted that he offered the former Skeeby Stores building, which he also owns, to SCPS for use as a 'micro pub', but this offer was not accepted, despite including a rent free period. However, although this building is adjacent to the village hall, a micro pub is a different proposition to a normal public house, and the very limited floorspace would have prevented this being used as a hub for community activity. In any case, this building has been used by another business for a number of years, and so currently is not available.
21. Whilst there may be a number of pubs within Richmond itself, and in some other surrounding villages, none of these are within walking distance of the village, even if there is a pavement along the road linking the village to Richmond. As such, although some of these may have been used by residents since The Travellers Rest shut, they do not provide satisfactory alternative provision.
22. Bringing these points together, I consider that the strong, and continued, local support for SCPS indicates that the community clearly considers that a public house is required in the village, and although it has been closed for some time the public house is not redundant. In addition, there is no other satisfactory alternative provision within the village, or within a reasonable distance of it. There is also evidence that more than one party is interested in purchasing the building, as they consider it would be possible to operate a viable business from it. Moreover, given the current state of the building, and its authorised use, despite the extensive marketing that has taken place, I am not persuaded that the price being sought for the property is realistic.

23. Consequently, I consider that the proposal would result in the loss of a viable community facility, contrary to Policy CP11 of the RLP and paragraphs 28 and 70 of the Framework outlined above.

Other Matters

24. The appeal site lies within Skeeby Conservation Area and close to a number of listed buildings. The Council have highlighted that the building has qualities, and history, which mean that they consider it is a non-designated heritage asset, and that both the use of the building, and the former limewash finish, served to highlight its existence and historic function. As the renovations works are currently halted on the building, its current appearance is detrimental to the conservation area, but conditions on the permission for these works required the limewash render to be restored.
25. The Skeeby Conservation Area Statement does not identify that the building has any heritage value, and the building itself does not appear significantly different to many of the houses in the village. As such I am not persuaded that the use of the building as a public house contributes to heritage significance of the conservation area. As a result, I consider that a sensitive conversion would be able to preserve the character and appearance of the conservation area. The Council have also stated that the proposal would have no implications for the setting of the listed buildings. From the evidence before me, and my own observations, I see no reason to come to a different conclusion in this regard.

Conclusion

26. Notwithstanding that fact that I consider the proposal would be capable of preserving the setting of the nearby listed buildings, and the character and appearance of Skeeby Conservation Area, and would bring a currently vacant building back into use, it would still result in the loss of a viable community facility, contrary to both local and national policies. For this reason, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Chris Pipe	Planning Director, Planning House
Jon Whitfield	Appellant
Neil Thomas	Partner, Thomas Stevenson
David Hawksworth	Publican and Former President of the UK Licensed Vic tuallers Association

FOR THE LOCAL PLANNING AUTHORITY:

Beverley Booth	Planning Officer, Richmondshire District Council
Mark Robson	Community Development Manager, Richmondshire District Council
Graham Tyerman	Principal Surveyor, Kier
Melanie Jackson	Surveyor, Kier

INTERESTED PERSONS:

Paul Bell	Skeeby Community Pub Society
Donald Harker	Resident
Dorothy Jane Harker	Resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Skeeby Conservation Area Statement (from Richmondshire Local Plan 1999-2006) submitted by the Local Planning Authority
2. Notes in connection with the Valuation prepared by Kier submitted by the Local Planning Authority
3. Spreadsheet giving overview of work and costs submitted by the appellant
4. Article from The Times 20 February 2017 regarding research on the importance of public houses in villages submitted by the Skeeby Community Pub Society
5. CAMRA Press Release regarding The George and Dragon and Hudswell submitted by the Skeeby Community Pub Society
6. Photographs showing work to the building submitted by the appellant.