
Appeal Decision

Site visit made on 19 June 2018

by Rachael A Bust BSc (Hons) MA MSc LL.M MIEnvSci MInstLM MCI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2018

Appeal Ref: APP/E2530/W/18/3194123

**Former Thorold Arms, Main Street, Marston, Grantham, Lincolnshire
NG32 2HQ**

- 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 Darren Timms of Domestic Transformations Ltd against the decision of South Kesteven District Council.
 - The application Ref S17/1307, dated 31 May 2017, was refused by notice dated 5 September 2017.
 - The development proposed is change of use from public house to residential dwelling (1 unit).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the change of use would be appropriate having regard to local and national planning policies for local services and community facilities.

Reasons

3. The Thorold Arms is a former public house incorporating a restaurant, bed & breakfast and shop which closed in July 2015. It was registered as an Asset of Community Value (ACV) in December 2015. It is located to the centre of the Marston on the junction of Main Street and School Lane. Marston is a small village, with a church and school, it shares a village hall and playing field with the neighbouring village of Hougham.
4. Policy SAP1 of the South Kesteven Site Allocations and Policies DPD (DPD), adopted 2014 has a presumption against the loss of community uses. Policy SAP1, together with its supporting text, is very clear. Those persons applying for a change of use therefore need to clearly demonstrate to the Council that one of two criteria can be met. Either there are alternative and active existing facilities within same village; or the existing use is no longer viable and there is no realistic prospect of the premises being re-used for alternative business or community use. It is expected that those promoting a scheme provide the necessary documentary evidence to support their own proposal.
5. In this case, the appellant is seeking to argue that the existing use is no longer viable. The evidence submitted to this appeal comprises the appellant's statement and a document entitled 'justification for the closure of public house and shop'. The appellant's statement sets out the timeline of events leading up

to the appeal and the accompanying justification document presents a general commentary on the building and the business history since 1992.

6. Whilst some figures are quoted in the justification document, these are generalised within the commentary and uncorroborated by previous owners/occupiers. I have been presented with no financial details, such as annual accounts from previous owners/occupiers. Whilst financial information is commercially sensitive, in order to prove a facility is not viable then it follows that the submission of financial details is necessary.
7. In relation to the second part of the criterion, I have no cogent evidence from the appellant regarding efforts made to explore whether the premises can be re-used for alternative business or community facility use.
8. The appellant suggests that the Council are unwilling to consider alternative uses because of the Thorold Arms Community Benefit Society Limited (TACBSL). The TACBSL has presented me with evidence regarding their efforts to purchase the premises and re-open the Thorold Arms as a Community Hub incorporating a public house, shop, café and B&B. This evidence includes a business plan prepared in March 2018 which details the proposed business model, marketing plan, financial forecasts and risk analysis. This provides cogent evidence, based upon realistic assumptions that the facility could demonstrate viability. Moreover, at the time of my site visit I noted a poster on the building giving a position statement of the funds raised, as of the 18 June 2018, this further underlines the community's continuing intentions. From the evidence submitted by TACBSL, the interested party comments submitted to the planning application and the fact the premises were registered as an Asset of Community Value, leaves me in no doubt that there is local support for the re-opening of the Thorold Arms as a community facility. In the absence of any comprehensive counter-evidence I give this information significant weight in the determination of this appeal.
9. Accordingly, the change of use would result in the permanent loss of a former community building and as such would be inappropriate having regard to local and national planning policies for local services and community facilities. The proposal therefore conflicts with Policy SAP1 of the DPD, which seeks to retain community services and facilities. In addition, the proposal would not be supported by paragraphs 28 and 70 of the National Planning Policy Framework which seek to retain and develop community facilities to enable the community to meet its day-to-day needs.

Conclusion

10. For the reasons above, the appeal should be dismissed.

Rachael A Bust

INSPECTOR