



Appeal Decision

Site visit made on 19 February 2019

by Terrence Kemmann-Lane JP DipTP FRTPI MCMl

an Inspector appointed by the Secretary of State

Decision date: 09 April 2019

Appeal Ref: APP/W3520/W/18/3209602

The Crown Inn, Tannington Long Road, Brundish, Woodbridge, IP13 8BE

- 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 and Mrs M Balshaw against the decision of Mid Suffolk District Council.
 - The application Ref DC/17/03424, dated 23 June 2017, was refused by notice dated 21 June 2018.
 - The development proposed is a change of use of public house to dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for a change of use of public house to dwelling at the Crown Inn, Tannington Long Road, Brundish, Woodbridge, IP13 8BE in accordance with the terms of the application, Ref DC/17/03424, dated 23 June 2017, and the plans submitted with it, subject to the condition that the development hereby permitted shall begin not later than 3 years from the date of this decision.

Main issue

2. The main issue is whether the proposal would result in the loss of a viable local facility.

Reasons

3. The premises are located at the junction of the B1118 and Tannington Long Road in a small cluster of properties, some distance from the village hall and church. Brundish lies approximately 3.6 miles to the south-east of Stradbroke and 1.75 miles north of Dennington.
4. The ground floor of the Crown Inn is laid out with a dedicated restaurant area, traditional bar areas and a central servery. A conservatory lies to the rear and acts as a 'snug' providing access to the grassed beer garden. The ground floor also contains WCs and a trade kitchen. Externally the property has a car park to the side with space for 10-12 cars. I found it to be well presented with all the facilities and ambience to be expected of a country pub. The premises were clean and the seating and tables offered appropriate comfort.
5. The Council's case officer commissioned an independent surveyor to consider the marketing and supporting information and provide the Council with a report into the potential to retain the public house. The surveyor reported his opinion

that, due to the limited rural population and in spite of the best endeavours of the owners, the business accounts do not show a viable return.

6. The surveyor noted that the current owners are experienced in the trade, have done what they can to improve the business. An increased and varied food offer and community interaction has been provided, but the problem is the location in a small village with no heart and within easy reach of at least 5 other public houses located in attractive villages. He indicated that there was no realistic prospect of the pub ever being financially viable. Furthermore, at the time of the Council's decision the business had been on the market for almost 2 years with only 6 recorded viewings and no acceptable offers. For these reasons I am satisfied that the pub is not a viable business and is unlikely to become viable. I therefore conclude that the proposal would not result in the loss of a viable local facility.
7. The Council has quoted Policy E6 of the Mid Suffolk Local Plan 1998 in its decision notice. This seeks to retain employment uses. However, the pub is not a significant employer and the reason for refusal is the loss of a valued local facility rather than the loss of employment. Therefore, I find limited relevance of this policy in this appeal and no substantive conflict with it.
8. I find no conflict with The Council's Supplementary Planning Guidance document entitled 'Retention of Shops, Post Offices and Public Houses in Villages' which indicates that the change of use of a village pub to an alternative use will not be permitted unless it can be demonstrated that all reasonable efforts have been made to sell or let the property as a pub and that it is not economically viable.

Other matters

9. I have taken into account that the Crown Inn is now formally adopted as an Asset of Community Value effective from 4th January 2019. This listing does not change or outweigh the factors that have led to my decision on the main issue. However, allowing this appeal does not alter the effects of the Part 5, Chapter 3, of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 which, among other things, impose a moratorium in relation to a "relevant disposal" of an asset of community value.

Conclusion

10. I allow the appeal.

Conditions

11. Apart from the normal time limit on implementing a planning permission, in the event that the appeal is allowed, the Council only seek a condition that the change of use be carried out in accordance with the 'approved plans and documents'. However, the application plans simply show the existing layout and it is stated that there would be no changes to the layout of the building or the site. I therefore see no reason to impose this condition.

Terrence Kemmann-Lane

INSPECTOR