



Appeal Decision

Site visit made on 8 July 2019

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th July 2019

Appeal Ref: APP/R1038/W/18/3219524

The Barrack Hotel, Barrack Road, Apperknowle S18 4AU

- 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 Chris Sinclair against the decision of North East Derbyshire District Council.
 - The application Ref: 18/01006/FL, dated 08 October 2018, was refused by notice dated 29 November 2018.
 - The development proposed is for the conversion of an existing public house to a residential dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for the conversion of an existing public house to a residential dwelling in accordance with the terms of the application Ref: 18/01006/FL, dated 08 October 2018 and subject to the following conditions:
 - i. The development hereby permitted shall begin not later than three years from the date of this decision.
 - ii. The development hereby permitted shall be carried out in accordance with the following approved plans: 98-PL-09 Rev A Proposed Site Plan, 98-PL-10 Rev A Proposed Ground Floor Plan General Arrangement, 98-PL-11 Rev A Proposed First Floor Plan General Arrangement, 98-PL-12 Rev A Proposed Roof Plan General Arrangement, 98-PL-13 Rev A Proposed Elevations 1 of 2, 98-PL-14 Proposed Elevations 2 of 2, 98-PL-15 Rev A Proposed Finishes Schedule, 98-PL-16 Rev A Proposed External Works.
 - iii. Prior to the first occupation of the dwelling hereby approved, a plan to show the positions, design, materials, height and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before first occupation of the dwelling and shall be retained as approved thereafter.

Procedural Matter

2. In its refusal notice, the Council has referred to emerging Policy ID5 of the North East Derbyshire Local Plan (2014-2034) Publication Draft. As this plan has not been adopted, I afford Policy ID5 limited weight as part of the determination of the appeal. I have afforded more weight to the relevant policies in the adopted North East Derbyshire Local Plan 2005 (LP).

Main Issue

3. The main issue is whether or not the proposal would result in an acceptable loss of a local facility having regard to local and national policies.

Reasons

4. The appeal property is a substantial detached stone building located within a village setting. It sits in a prominent position overlooking an open green and is surrounded by an area of open space that is overlooked by existing residential development. The proposal seeks to convert the public house into a four bedroomed dwelling.
5. In locational terms, there is no dispute between the main parties about the acceptability of residential development on the site: indeed, the Council's officer report states that the site is within the settlement boundary for Apperknowle. Furthermore, there is no dispute about any of the proposed alterations. I have no reason to disagree with the main parties in these respects and consequently the proposal accords with the locational sustainability aims of Policy GS1 of the LP. The point of contention between the main parties is whether the proposal would result in an acceptable loss of a community facility, i.e. a public house.
6. Policy SH8 of the LP allows for the change of use or demolition of local facilities provided it can be demonstrated that there is an alternative provision within the vicinity or there is no demand for such a facility. It is clear, from the level of representation made by local residents that the public house is a relatively popular facility. However, it is not registered as an Asset of Community Value (ACV) and whilst there is one representation which asserts there is a local consortium willing to purchase and operate the public house there is no supporting evidence to demonstrate that this has actually happened.
7. I acknowledge that the appellant has not submitted detailed evidence in terms of his claim that there is no demand to re-use the appeal building as a public house. However, the Council do not dispute the appellant's comments about the past difficulties in terms of selling the property and the comment made that the last tenant fell into rent arrears after only four months. This does seem to suggest that there have been some viability issues associated with use of the property as a public house in the past and that it is likely that during these times there was not enough demand to support a viable business.
8. In any event, Policy SH8 does not require a lack of demand to be proven if it can be shown that there are adequate alternative facilities within the vicinity of the site. I was able to see on my site visit that there is a public house, The Traveller's Rest, located approximately 500 metres from the appeal site. It provides the community with an alternative and accessible facility within close proximity. Whilst I do acknowledge the concerns of the local residents in terms of lack of street lighting and footpaths leading to this alternative public house,

Policy SH8 does not refer to the need for street lighting. In any event, the walking distances without street lighting would not be significant in this village context. I therefore conclude that the proposal would not lead to an unacceptable loss of a local facility and therefore would not conflict with the sustainable community requirements of Policies SH8 and GS1 of the LP and paragraph 83 of the National Planning Policy Framework.

Conditions

9. Where necessary I have amended the wording of the Council's suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance (PPG). The Council suggested a condition removing permitted development rights from the property. The PPG states that this should only be done in exceptional circumstances. I do not consider that there is exceptional justification for the removal of permitted development rights.
10. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. In the interests of the character and appearance of the area, it is necessary to impose a planning condition relating to the position and appearance of boundary treatments. However, this does not need to be a pre-commencement condition and so in this respect I have altered the Council's suggested wording.

Other Matters

11. I note the representations made by a number of other interested parties. The existing public house is accessible on foot, but I do not consider that the alternative public house in the village would not also be accessible on foot. It is not uncommon to have some areas in villages such as this where there is no street lighting, and I do not consider that in this case it would make the alternative public house inaccessible. I do not doubt that the village has suffered from the loss of other community facilities over the years (e.g. post office, school and other public houses). However, it has been necessary for me to determine this appeal against the adopted development plan for the area. Consequently, none of the other matters raised alter or outweigh my conclusion on the main issue.

Conclusion

12. For the reasons outlined above, and taking into account all other matters raised, I conclude the appeal should be allowed.

J. Hunter

INSPECTOR