



Appeal Decision

Hearing Held on 17 March 2020

Site visit made on 17 March 2020

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2020

Appeal Ref: APP/P2935/W/19/3238645

The Railway Inn, Fourstones, Hexham NE47 5DG

- 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 G Smart (Smart G Ltd) against the decision of Northumberland County Council.
 - The application Ref 18/02349/FUL, dated 2 July 2018, was refused by notice dated 10 April 2019.
 - The development proposed is change of use and conversion of the Railway Inn Public House (Class A4) to a single residential dwelling (Class C3).
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Decision

1. The appeal is dismissed.

Application for costs

2. At the Hearing an application for costs was made by Mr G Smart (Smart G Ltd) against Northumberland County Council. This application is the subject of a separate Decision.

Main Issues

3. The main issue is the effect of the change of use upon the provision of a community facility.

Reasons

4. The Railway Inn is a detached stone building, with a number of later extensions to the building. The rear of the site has a large area of car parking, at a higher site level, that can be accessed via a set of steps. There is a small area that could be used as a beer garden to the front of the site. The site is located within an area of residential properties.
5. On my site visit it is apparent that the majority of fittings have been removed from the Public House and kitchen area, whilst the living accommodation at first floor level is unkempt and derelict.
6. Policy TM1 of the Tynedale District Local Plan (2000) (the LP) states that proposals involving the loss of a community service will only be permitted if it can be demonstrated that the facility is no longer viable and no longer serves the need of the community in which it is located, whilst Policy CS1 of the Tynedale Core Strategy (2007) (the CS) seeks to retain essential local services and facilities especially where there are no accessible alternatives.

7. From the evidence in front of me, and that advanced during the hearing, that the PH was purchased by the appellant in 2014 for £100k. It was then operational as a PH for approximately 18 months and has been closed since approximately 2016.
8. Marketing information was supplied as part of the appellant's Statement of Case, which indicated that the property had been marketed at £150k freehold but has more recently been marketed at £200k. It was also marketed as leasehold with no rent for a year, on the proviso that the lessee refurbished the premises, and several sets of particulars were sent to interested applicants. Interested parties at the hearing also relayed anecdotal evidence of other interest in the premises, and that all such interest had either been rebuffed or deliberately not pursued by the appellant.
9. Regardless of the offers not being pursued, it is apparent that there has been some interest in the property in the last four years. From the evidence, marketing has taken place, albeit with some changes to the asking price of the building, but the building has still been generating interest. From the hearing, it is apparent that several parties have come forward, with the intention of re-opening the premises as a PH, but the expressions of interest have folded at various stages of the process of purchasing the premises.
10. The Council has concerns in relation to time periods where there appears to be no marketing of the property, but I am satisfied that the appellant has demonstrated that marketing was ongoing from the information provided. In my opinion, it is highly unlikely that a property would be the subject of continuous interest, and certainly from the evidence provided, and heard at the hearing, the level of interest from viewings and initial offers by interested parties in the property appears to demonstrate that marketing has been ongoing.
11. The property is listed as an Asset of Community Value (ACV) and there has been interest of purchase by a local community group, Fourstones Community Ventures Ltd (FCVL). An offer of £50k was made by FCVL but this was turned down by the appellant as being substantially below the asking price. A 2-year rent free lease was also offered to the group, on the basis that refurbishment works which would cost around £100k were carried out by the group. However, this was turned down by the FCVL, partly due to the cost of the refurbishments and the associated financial risk. From the Statement of Case of both parties, and the written and oral evidence of the members of FCVL, it appears that terms cannot be agreed at present in respect of FCVL operating the premises either from purchase or lease of the building.
12. There are allegations made by interested parties and members of FCVL that the appellant has not actively pursued many of the expressions of interest for the premises. I asked for further information to support these claims, but there was no firm evidence to support them. As a result, I cannot attach any significant weight to these. I am satisfied that marketing has taken place to demonstrate that the premises have been advertised on the market for a significant time to a level that has attracted interest.
13. However, I have concerns regarding the asking price, which initially was a lot higher than the price paid two years previously and has been raised since. I heard that the condition of the PH has deteriorated since it was bought, which was confirmed at my site visit. No evidence has been offered as to why the

asking price is significantly higher than the original purchase price. If the property had been marketed at a realistic price, the chances of selling it would have been much greater. I therefore conclude that the marketing of the property has been inadequate.

14. It is also necessary to assess the value of the PH as a community facility. There are objections from the Parish Council and a number of local residents to the proposal. Fourstones is a small residential hamlet and it is apparent there is a swell of local opinion that the PH is an important community facility.
15. I accept that during the appellants ownership, numbers of customers were low. However, the PH was the only one in the village, and it was the principal community facility. Given this, I find that the PH should be assessed as an essential facility in Fourstones.
16. In terms of facilities within Fourstones, the PH was the only one in the village, and the principal community facility. In terms of other PH's, the nearest two are the Red Lion at Newbrough and the Boatside at Warden. Whilst both parties felt that these premises were within walking distance, from my site visit, and investigation of the locality, I found that both premises are particularly unattractive for pedestrians to walk to, with large stretches of unlit carriageway and limited pavements to walk on. This was confirmed by interested parties at the hearing who did not agree with the position of both parties on this issue.
17. The appellant submitted a viability report and the Council does not dispute its findings. I accept that the business was unviable. However, I heard at the hearing that the pub had little to offer, for example it would run out of beer, and had stopped serving food. This was not disputed by the appellant. It is therefore possible that a different management style or alternative business model would result in a more viable venture. That said, my decision does not turn solely on the viability of the former business.
18. In summary, whilst the PH was unviable, I have found that there has been inadequate marketing of the PH and the proposal would lead to the permanent loss of an essential facility. I conclude that the change of use would have a harmful effect upon the provision of a community facility and would be in conflict with Policy TM1 of the LP in that it has not been clearly demonstrated that the PH no longer meets the needs of the community and Policy CS1 of the CS which seeks to retain essential local services and facilities, especially where there are no accessible alternatives.
19. I am satisfied that both policies are consistent with the National Planning Policy Framework, in light of Paragraph 83, which states that policies should enable the retention of accessible local services and community facilities, including public houses.

Other Matters

20. The appellant feels that he is being unfairly treated by the Council and has questioned where his human rights come into the decision for equality. Whilst I have not been referred to any particular Article of the European Convention on Human Rights, Article 6(3) relates to fairness in terms of how the planning appeal is conducted. However, whilst I have taken into account the particular circumstances of the appellant, I must also weigh that against the needs of the wider community as a whole.

Conclusion

21. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Miss Nicola Allen	Appellant's Agent
BA(Hons) DipLaw MRTPI	

FOR THE LOCAL PLANNING AUTHORITY:

Mr Neil Armstrong	Senior Planning Officer
BA(Hons) DipTP MRTPI	
Miss Amber Windle	Planning Officer

INTERESTED PARTIES

Mr K Page	Local Resident
Mr S Heminsley	Local Resident
Mr N Whitaker	Local Resident
Mr I Bennett	Local Resident
Ms E Brown	Local Resident
Ms P Grant	Local Resident
Mr M Trickett	Local Resident
Mr M Kendrew	Local Resident
Mrs J Kendrew	Local Resident
Mr J Morgan	Local Resident

DOCUMENTS

Map demonstrating distance to Newbrough and showing facilities available at Newbrough Town Hall

Correspondence between Northumberland County Council and Sanderson Weatherall dated 11 March 2020