
Appeal Decision

Site visit made on 28 October 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th November 2020

Appeal Ref: APP/Y2003/W/20/3255113

The Haymaker, 75 Main Street, Bonby DN20 0PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr & Mrs Simpson against the decision of North Lincolnshire Council.
 - The application Ref PA/2019/1984, dated 18 November 2019, was refused by notice dated 14 May 2020.
 - The development proposed is the demolition of an existing vacant restaurant and attached owner / occupier flat, and the erection of 6 semi-detached family homes.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the Appellant has provided adequate evidence to demonstrate that the building known as The Haymaker is no longer needed as a community facility.

Reasons

3. The appeal property known as The Haymaker is in the village of Bonby in North Lincolnshire. Just over 500 people live within the village. The site comprises a large 2-storey building which was constructed in the 1970s for a public house, an accommodation flat and a car park. The building was last used as a steak house, but this use terminated in 2019. It now appears to be vacant.
4. The development proposal comprises the demolition of The Haymaker and flatted accommodation and the erection of 6 semi-detached dwellings with 4 or more bedrooms.
5. The building was opened as a purpose-built public house in August 1970 when it was known as 'Pandora's Box'. It operated as a public house until around 2011/2012 at which time it was converted into a steak house restaurant. That restaurant operated until August 2019 when, following trading difficulty, the business was relocated to Elsham Golf Club. At that point The Haymaker ceased commercial operation and closed.
6. In January 2020 the Council designated the building as an Asset of Community Value (ACV) under s.91 of the Localism Act 2011. As a consequence, the owner is required to give notice to the Council of any intention to dispose of the land whom, in turn, is required to inform the relevant community group and provide

it with an opportunity to purchase the site or building. If that group wishes to make a bid it then has a 6-month period in which to raise funds. So far, neither the Parish Council nor any other community body has submitted any proposal to the Council for the re-use of The Haymaker.

7. The annual accounts show that the steak house restaurant made a loss after tax from 2015/16 through to 2018/19 which, with one exception, year on year got progressively larger. The owner of the building has made 3 attempts to sell The Haymaker. First, it was marketed for sale between 2008 and 2012 by Sidney Phillips, a firm specialising in licensed premises. During this period there were 3 viewings and no offers. It was again marketed for sale for a period of around a year in 2016 jointly by Sidney Phillips and Guy Simmonds, another firm specialising in licensed premises. This resulted in just 1 viewing and no offers. Finally, it was marketed on a leasehold basis in 2019 by Sidney Phillips and this produced 2 viewings and no offers.
8. However, no details have been provided as to what the value or the asking price of the property was and whether it was marketed as a public house or as a restaurant. Similarly, no details have been provided as regards the terms of the leasehold. In the absence of these details it is not possible to make a robust assessment as to the viability of The Haymaker as a public house or other community facility.
9. There are 2 other community facilities within the village. The Village Hall is adjacent to The Haymaker. It hosts the Village Hall Charity, a pre-school playgroup, a monthly book swap, parish council meetings, the Women's Institute, quiz and bingo evenings and is available for hire for functions such as parties and receptions. It appears to be well used.
10. Opposite the village hall is the Village Shop. This incorporates a post-office, a vegan café and take away and it also has a license for the sale of alcohol. It was listed as an ACV by the Council in 2014.
11. Beyond the village there are public houses at South Ferriby (The Nelthorpe Arms and The Hope and Anchor) around 3.5 miles away, at Barton-upon-Humber (The Sloop Inn) around 4.5 miles away and at Barnetby-Le-Wold (The Whistle and Flute) about 4.5 miles away. In addition, there is a bar at the nearby golf club and on the local caravan site.
12. Although residents of Bonby have to use private transport to travel to these establishments it is also likely that were The Haymaker to reopen as a public house it would be reliant upon car-borne trade drawn from the wider area known as the Low Villages¹.
13. A survey undertaken by Bonby Parish Council in response to the planning application for the redevelopment of the site for housing elicited 22 responses. 20 of those objected to the proposed redevelopment. There were also over 50 objections to the planning application.

¹ The 5 Low Villages comprise South Ferriby, Horkstow, Saxby All Saints, Bony and Worlaby.

14. Reference has been made to academic papers and studies about the social and economic importance of the public house². These show that an operational village public house can help maintain village and rural vitality and can encourage restrained and responsible social interaction amongst younger people. Reference was also made by some objectors to the positive effects that a public house can have on local house prices.
15. None of the papers cited were provided and so it is not possible to scrutinise the data or evaluate the strength and robustness of their conclusions. Nevertheless, it seems reasonable to assume that a responsibly run, vibrant public house, would contribute positively to community vitality and that this might have knock-on effects in terms of local house prices.
16. Reference was also made to another public house in the area, The Nelthorpe Arms at South Ferriby, that has been re-invigorated by new ownership. Whether The Haymaker might be capable of re-invigoration is not possible to say although CAMRA has devised a public house viability test which could be used to evaluate its prospects.
17. A public house provides a community facility which is quite distinct from that provided by a Village Shop or a Village Hall. Whilst a Village Shop does provide essential services and an opportunity for social interaction during the day it cannot provide the same level of opportunity for conviviality in the evening.
18. Similarly, although a Village Hall can provide a range of activities to suit a wide variety of interests it cannot meet the same basic social need with the same regularity as that provided by a local public house. Consequently, neither the Village Shop nor the Village Hall provide an acceptable or suitable alternative to a local public house.
19. Submissions were made to the effect that the former public house was once the hub of the community and ran sports teams, quiz nights and other associated activities. Some objectors have claimed that locals felt alienated when it became a 'food only' establishment.
20. However, notwithstanding the above, it is an inescapable fact that many public houses in rural areas have closed over the past 10-20 years due to a combination of factors including cheaper home-based alcohol consumption, drinking and driving laws and a fundamental change in societal tastes and habits. These factors probably had a bearing on the closure of the public house in 2011/2012. It is also clear that the former steak house restaurant was not a financially viable business operation.
21. Nevertheless, the demolition and the redevelopment of a former public house is a near irreversible act which should only be implemented where there is clear and convincing evidence that all reasonable opportunities to re-open have been properly considered. This is even more so when it is listed as an ACV which is a

² Muir, R (2012) *Pubs and places: The social value of community pubs*. Institute for Public Policy Research.
Dunbar, R (2016) *Friends on tap: The role of pubs at the heart of the community* (Publisher unspecified).
Roberts, M and Townshend, T (2013) "Young adults and the decline of the urban English pub: Issues for planning". *Planning Theory & Practice* 14 (4) 455-469.
Cabras, I and Reggiani, C (2010) "Village pubs as a social propellant in rural areas: An econometric study", *Journal of Environmental Planning and Management* (volume / page details not provided)
Mount, M and Cabras, I (2015) "Community cohesion and village pubs in northern England: An econometric study", *Regional Studies* (volume / page details not provided).

consideration that I must have regard to. Furthermore, it is a consideration that I attach considerable weight to.

22. The evidence put forward by the Appellant is not clear and convincing since it fails to show the basis upon which the building was marketed. It is not clear if the building was marketed as a public house notwithstanding that this was its function until around 2011/2012.
23. Inevitably, a sense of realism is needed in considering the prospect of the building as a public house or some other community facility. The village is quite small, the surrounding area has a sparse population and there are several operational public houses located not too far away.
24. However, if the residents of Bonby do wish to see the building re-invigorated for use as a public house or some other multiuse community facility it is now incumbent upon them to come forward with a viable, sustainable proposal. The level of opposition to the current proposal is noted but a facility such as a public house in a village with a sparsely populated hinterland can only stay open in the long term if it is used regularly by local people.
25. For the above reasons, the Appellant has failed to provide satisfactory evidence to demonstrate that the building known as The Haymaker is no longer needed as a community facility. Consequently, the development proposal fails to accord with Policy C2 of the North Lincolnshire Local Plan 2003 or with Policy CS22 of the North Lincolnshire Local Development Framework: People; Places; Spaces – Core Strategy 2011 which both seek to resist the loss of community facilities unless it is not economically viable, there is no longer a need for the building in any form of community use and / or there is no acceptable alternative to meeting that need.
26. Furthermore, it would fail to accord with the advice handed down at Paragraph 92c) of the National Planning Policy Framework that decision makers should guard against the unnecessary loss of valued local facilities such as public houses, particularly where this would reduce the community's ability to meet its day-to-needs.

Other Matters

27. The site would be suitable for housing. Furthermore, if a productive use is not found for the building reasonably soon then its fabric will further deteriorate to the detriment of the street scene and the wider village. These are considerations that I have had regard to, but they do not outweigh the fundamental conflict with the Development Plan that has been identified.

Conclusion

28. For the above reasons the appeal should be dismissed.

William Walton

INSPECTOR