
Appeal Decision

Site visit made on 6 January 2021

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

an Inspector appointed by the Secretary of State

Decision date: 27th January 2021

Appeal Ref: APP/E2001/W/20/3259827

The Traveller's Rest, Main Street, Long Riston HU11 5JF

- 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 Wayne Low against the decision of East Riding of Yorkshire Council.
 - The application Ref 20/00111/PLF, dated 24 January 2020, was refused by notice dated 12 August 2020.
 - The development proposed is the erection of 6 terraced homes and widening of an existing vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the proposed development given in the application form is for the construction of 6 terraced homes. The application has been revised and is now for the construction of 5 terraced homes.
3. The appeal site mainly comprises the car park of the former 'Traveller's Rest' public house. However, it also includes a small area that accommodated a side component of the former public house. Thus, although not included within the description of the proposed development, the appeal proposal would require the partial demolition of the former public house.
4. The majority of the Traveller's Rest public house, including that part on the site of the proposed development, was demolished in Autumn 2019. A small section of the former public house on the corner of Main Street and Cooper's Meadow has been retained and converted into a micro-pub.
5. A proposal for the demolition of most of the former public house and the erection of a single dwelling on the site is subject to a separate appeal decision.¹
6. It is understood that the Council is pursuing a legal remedy against the Appellant for the demolition of the former public house. For the avoidance of any doubt, this is not a matter relevant to this appeal decision.

¹ See reference APP/E2001/W/20/3259822

Main Issues

7. The main issues in the determination of this appeal are:
- Whether the demolition of the public house 'The Traveller's Rest' would result in the loss of a valued facility and service and reduce the community's ability to meet its day-to-day needs; and
 - Whether the proposed development would harm the Long Riston Conservation Area and the setting of the Grade II Listed Building known as Cooper Farm.

Reasons

Demolition of the Public House

8. The site subject to this appeal is a broadly rectangular area of land comprising a car park and part of the former public house known as 'The Traveller's Rest' which fronts onto Main Street. Most of the site is located in between the former Traveller's Rest at one end, and Board Cottage which is the end dwelling of a terrace, at the other.
9. The proposal comprises the erection of 5 two-storey 2-bedroom terraced dwellings on the site of the former car park and part of the former public house. Vehicular access would be provided to an area for parking at the rear via a lane situated in between the proposed terrace and Board Cottage. Each of the 5 terraced dwellings would include a small garden.
10. The development of the site requires the partial demolition of the Traveller's Rest. Most of the former public house was demolished in late 2019. Consequently, the demolition of the main part of the Traveller's Rest public house is functionally linked to the proposed development of 5 terraced dwellings notwithstanding that much of the new terrace would be located on the former car park and notwithstanding that only a relatively small part of the former public house falls within the appeal site.
11. A report prepared by Billingham George & Partners, civil and structural engineers and building surveyors after the building had been demolished contended that the operation was required in the interests of public safety. The authors of that report had not visited the property and were reliant upon photographs provided by the Appellant.
12. The public house was purchased in Autumn 2019 by the Appellant. It is contended by the Appellant that the public house had been closed for about 2 years prior to this date although this is disputed by some residents. Nevertheless, the Council Officer's Report accepts that it had been closed from sometime in 2017 to late 2019.
13. Prior to that in March 2010 the public house was marketed for sale either as a going concern or as a possible dwelling (subject to obtaining the necessary planning permission) for the sum of around £200,000. No details were provided concerning the level of interest expressed from potential purchasers. It is understood that the Traveller's Rest struggled financially from 2010 until its closure in 2017.
14. A letter from agents acting for the Appellant dated 16 September 2020 confirms that there are several other public houses being marketed within the

- wider area. However, the letter did not place a market value on The Traveller's Rest.
15. A period of closure of two years is, in the context of a decision concerning whether an important community facility can be redeveloped for another use, insufficient to demonstrate that there is no demand for a public house in the village. Nevertheless, the point might be moot by virtue of the conversion of the retained element of the former public house into a micro pub called the 'The Micro Pig'.
 16. This conversion appears to be almost complete. The Micro Pig would be considerably smaller than the original public house but would still contain a bar, a seating area and a WC. The requisite drinking license has been obtained. The micro pub has been sold by the Appellant and the new owners hope to open as soon as is permitted under Covid-19 restrictions.
 17. The operation of the micro pub would provide a valuable community facility that would offset the deficit left by the closure of the Traveller's Rest and help meet the village's day-to-day needs. Because of its much smaller size it would be much less costly to run and therefore more financially viable than the former Traveller's Rest.
 18. The 'Micro Pig' at nearby Tickton was also developed and continues to be operated by the Appellant. It provides a blueprint for the proposal at Long Riston and is understood to be profitable and therefore financially viable. The Appellant also has experience of running other public houses in the area including the Game Bird in Beverley.
 19. It is understood that the space within the former Traveller's Rest now occupied by the Micro Pig (Use Class A4) might last have been used as a hot food takeaway (Use Class A5). However, no evidence by way of a planning permission has been produced. Nevertheless, it is possible that the operator would require planning permission to use the building as a public house. The outcome of any application for planning permission to change to A4 use cannot be known.
 20. Furthermore, even if planning permission for a drinking establishment use were granted it is difficult to see how the maintenance of this use could be guaranteed into the future. The Micro Pig building is not included within the application site, preventing a conventional planning condition restricting its use being attached. Furthermore, because it has now been sold it would be difficult to see how a s.106 could be drafted to include a third party.
 21. There are some other community facilities within the village, but these are very limited. Significantly, there is a petrol station and an attached convenience shop on the A165 within easy walking distance. This helps to meet the day-to-day food needs of residents. In addition, there is a church, a primary school, a village hall and some tennis courts / playing fields. These contribute towards meeting some day-to-day spiritual, educational and sporting needs but not the relaxed social gathering space provided by a public house.
 22. There is a public house ('The Bay Horse') in the nearby village of Arnold. An underpass allows pedestrian to cross the A165 safely but there would then be quite a long walk along an unlit lane with no pavements. Because of the

difficulty in accessing this facility it does not help meet the day-to-day needs of the residents of Long Riston.

23. For the above reasons the proposed demolition of the Traveller's Rest would result in the loss of a valued community facility that would help meet the day-to-day needs of residents. Whilst the Micro Pig would provide a satisfactory replacement there is no means of guaranteeing that the facility would be granted any necessary planning permission or that its use as a public house would remain in the long run.
24. Consequently, the proposal would fail to accord with Policy C2 of the East Riding Local Plan 2012-2029 Strategy Document 2016 (ERLP) which seeks to ensure that proposals for new development retain or enhance existing community services and facilities.
25. Furthermore, the proposal would fail to accord with the advice set out in Paragraph 92 of the National Planning Policy Framework (the Framework) that development proposals should not lead to the loss of valued community services and facilities that would help the community to meet its day-to-day needs and help ensure that established facilities are allowed to modernise.

Effect on Conservation Area and Listed Building

26. The Traveller's Rest is understood to date back to at least the 1820s. It sits within the Long Riston Conservation Area (LRCA) which was designated in June 2009. Due to its location around halfway along Main Street, its former function and its imposing size the Traveller's Rest is a landmark building within the Conservation Area notwithstanding that it is not listed.
27. Under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') there is a duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
28. Furthermore, Cooper Farm which lies on the other side of Cooper's Meadow, is a Grade II listed building. Under s.16(2) of the Act there is a special duty to have regard to the need to protect the setting of a listed building.
29. The proposed partial demolition of the Traveller's Rest would result in most of a landmark building being removed from the streetscene in the centre of Long Riston. This building, by virtue of its size, its function, its signage and its location contributes positively to the character and the appearance of the Conservation Area. Thus, its loss would harm the conservation area.
30. Prior to its demolition the ground floor windows of the Traveller's Rest were boarded up. However, in all other respects, the building appeared to have retained its attractive appearance. The adjacent car park appeared to be neatly kept and whilst it is not the most visually attractive feature within the area its functional link to the public house was self-evident.
31. According to the Council's Long Riston Conservation Area Appraisal 2009 the defining characteristic of the village is its linear development pattern with dwellings fronting onto Main Street. At some point in the past, the area that is now the former Traveller's Rest car park was once occupied by a terrace of dwellings.

32. The proposed terrace incorporating 5 new dwellings would be aligned with the adjacent terrace and would therefore help to restore the streetscene to what it once was. The dwellings would be constructed of darkish bricks, red clay pantiles and incorporate square chimneys. The installation of wooden framed sash and case windows would represent an enhancement of the previous PVC window frames used in the former public house.
33. By virtue of their design, construction materials and appearance the proposed dwellings would meld in with the existing street scene. Therefore, notwithstanding the harm to the conservation area that would be caused by the demolition of the Traveller's Rest, the development proposal would nevertheless preserve the character and appearance of the Long Riston Conservation Area.
34. Cooper Farm fronts onto Main Street. It is an early c19 farmhouse with outbuilding constructed of pinkish yellow brick in Flemish bond with a pantile roof. The single storey outbuilding sits on the corner of Cooper's Meadow opposite the side elevation of the retained element of the Traveller's Rest. The road provides a boundary defining the setting of the listed building.
35. Because the Traveller's Rest site sits on the other side of Cooper's Meadow it does not affect the setting of the listed building. Accordingly, the proposed redevelopment of the appeal site would not harm the setting of Cooper Farm.
36. For the reasons given above the proposed development would accord with Policies ENV1, ENV3 (B&C), A1 (C4) and S4 (B1) of the ERLP which seek to promote high quality design, protect listed buildings and conservation areas and permit construction of single dwellings.

Other Matters

37. The development of 5 small homes would help to meet an identified need for this type of dwelling within the district. By bringing a now redundant brownfield site into productive use it would also help ensure the efficient use of land consistent with advice set out at paragraphs 118 and 122 of the Framework. Finally, the construction phase would help boost employment during what are difficult times due to the effects of Covid-19.

Planning Balance

38. The proposed development would not harm the setting of a listed building and would help to preserve the character and the appearance of the conservation area. This is a matter of neutral importance. It would help to meet a housing need for first time buyers and the elderly, would make effective use of a brownfield site and would create employment, at least in the short term. These are benefits which must be factored into the balancing process.
39. However, it would fail to guarantee the continued existence of a public house which is a valued community facility and service that contributes to meeting the village's day-to-day needs. That is a significant conflict with the Development Plan and the Framework which is not outweighed by any other considerations.

Conclusion

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

William Walton

INSPECTOR