



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/20/3259822

**The Traveller's Rest, Main Street, Long Riston, East Riding of Yorkshire
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 Low against the decision of East Riding of Yorkshire Council.
 - The application Ref 20/00287/PLF, dated 12 March 2020, was refused by notice dated 12 August 2020.
 - The development proposed is the development of two homes and the demolition of part of the Traveller's Rest public house in Long Riston.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The majority of the Traveller's Rest public house 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. The rest of the site has been cleared.
3. However, this planning appeal is against the refusal of the Council to grant permission for the demolition of the building notwithstanding that this has already taken place.
4. 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.
5. The proposal for the construction of 2 dwellings was amended to 1 dwelling.
6. A proposal for the erection of 5 terraced homes on land occupied by the former car park and part of the Traveller's Rest public house, and adjacent to the proposal subject to this appeal, is subject to a separate decision.¹

¹ See reference APP/E2001/W/20/3259827

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 accommodating a former public house known as 'The Traveller's Rest' and an adjacent car park. The site is adjacent to Main Street which runs the length of the village of Long Riston. The former public house sits in between Board Cottage and, across the other side of road leading off Main Street, a listed building known as Cooper Farm.
9. The proposal comprises the demolition of most of the former public house and the erection of a single dwelling attached to the remaining part of the Traveller's Rest. A detached garage would be erected behind the proposed dwelling with direct access to Main Street.
10. 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.
11. 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.
12. 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.
13. 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'.
14. 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.

15. 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.
16. 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.
17. However, 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, there is no formal record to evidence this. Nevertheless, it is possible that the operator would require planning permission to use what is essentially a new building as a public house. The outcome of any application for planning permission to change to A4 use cannot be known.
18. 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.
19. 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.
20. 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.
21. 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 local 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 it would remain in use as a public house in the long run.
22. 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.

23. 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

24. 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.
25. 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.
26. 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.
27. 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.
28. A report prepared by Billingham George & Partners, civil and structural engineers and building surveyors contended that the earlier demolition of the Traveller's Rest 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.
29. 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.
30. 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. The proposed dwelling would also face directly onto Main Street and would adopt the building line of the former public house.
31. The 3-bedroomed property would be constructed of white painted bricks, red clay pantiles and incorporate square chimneys. It would also have 2 ground-floor bay windows. 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.
32. The proposed dwelling would be slightly smaller than the Traveller's Rest and have far less presence and stature. To this extent its demolition would detract from the character of the Conservation Area and cause harm.

33. Nevertheless, by virtue of its sympathetic design, which would reflect many of the defining features of the Traveller's Rest, and its use of traditional wooden sash and case windows, the proposed dwelling would meld in with the existing street scene. Therefore, notwithstanding the harm that would be caused by the proposed demolition of the Traveller's Rest, the development proposal would 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 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.

Planning Balance

37. 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. 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

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

William Walton

INSPECTOR