



Appeal Decision

Site visit made on 2 February 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2021

Appeal Ref: APP/E2001/W/20/3255326

The Sun Inn Public House, Church Lane, B1243, Skirlaugh, East Riding of Yorkshire HU11 5EU.

- 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/Mrs David/Gillian Furman against the decision of East Riding of Yorkshire Council.
 - The application Ref 18/04064/PLF, dated 13 December 2018, was refused by notice dated 3 January 2020.
 - The development proposed is 1. Demolish existing Sun Inn public house and outbuildings 2. Erection of a two storey terrace block forming 3 dwellings 3. Erection of two single storey dwellings 4. Associated parking access and boundary treatment.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the availability of services and facilities within Skirlaugh;
 - whether the public house is a non-designated heritage asset for the purposes of the local plan and national planning policies and if it is, would its loss be justified; and,
 - the effect of the proposed development on the living conditions of the occupiers of neighbouring properties and the future occupiers of the development with particular regard to outlook.

Services and facilities

3. Policy C2 part C of the East Riding Local Plan Strategy Document adopted April 2016 (ERLP Strategy Document) seeks to support community services and facilities. It states that the loss of services and facilities will only be permitted in certain circumstances including where existing facilities can adequately serve identified needs in an equally accessible manner.
4. This is consistent with the National Planning Policy Framework (the Framework) where it states that to provide for community needs decisions should plan positively for the use of local services and community facilities, guard against the unnecessary loss of valued facilities and services particularly where this would reduce the communities ability to meet its day-

to-day needs and ensure that established facilities and services are retained for the benefit of the community.

5. The Sun Inn public house is a longstanding community facility which closed to the public in 2018 and it has remained closed since that time. I have not been provided with any details of the internal layout of the building prior to its closure, although I note that it is described as a drinking establishment. The value of the pub as a community facility is evidenced in its designation as an Asset of Community Value (ACV) and the representations submitted in response to the application and appeal indicating support for retaining the facility.
6. The appellant considers that the Duke of York public house located at the entrance to Church Lane and other community facilities in the village would adequately serve the needs of the community. However, I have not been presented with evidence that other facilities in the village would adequately provide an alternative to the Sun Inn. The local representations suggest that the Duke of York provides a different offer and the appellant has not set out in detail how the Duke of York would adequately serve the community.
7. In accordance with Policy C2 the views of the community will be important to help establish the significance of, and demand for, individual facilities. Whether the level of objection is unanimous or not, in the absence of any other evidence the strength of opposition suggests that there is, and would continue to be, sufficient demand for a separate drinking establishment at the appeal site.
8. Further, the appellant does not argue that the Sun Inn was not economically viable or that there is insufficient demand to support two public houses within the village. Therefore, I have no basis to consider that the use of the public house could not be sustained.
9. I have had regard to the appeal decisions referred to by the appellant. In this case, the designation of the appeal site as an ACV indicates the value of the public house to the community and there is not substantive evidence that the facilities at the Sun Inn are being provided for in the village. The appeal decisions do not lead me to a different conclusion.
10. Consequently, I conclude that the development would result in the loss of services and facilities within Skirlough in conflict with Policy C2 of the ERLP Strategy Document. It would also conflict with the Framework.

Non-designated heritage asset

11. The proposal would result in the demolition of the Sun Inn. Based on the Ordnance Survey the building pre-dates c.1850 as a public house. I agree with the Council that the Sun Inn is a non-designated heritage asset. Despite its extensive alterations, the building has significance because of its age, its contribution to the historic core of the village and its strong communal association. I acknowledge that the building appears to be in a poor state of repair and that as a non-designated heritage asset it has a low degree of significance, but there is limited evidence that it is structurally unsound or incapable of reuse.
12. The Framework requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in

determining applications. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

13. The proposal would result in the loss of the pub building and the consequent loss of all the significant features associated with it, including its use. The harm to its significance, even if the building has a low degree of significance, is therefore substantial.
14. There would be some benefits associated with the proposed development including the general boost to the supply of housing and the provision of small housing units, which the Council agrees are needed. However, there is limited evidence before me that the economic and social benefits of housing would be greater than the retention of the public house.
15. On balance, my view is that in the light of the limited information presented to date, the existing building has sufficient significance in its local context that its removal would not be justified. The proposal would therefore not satisfy the requirement of Policy ENV3 of the Local Plan which seeks where possible to use heritage assets to reinforce local distinctiveness, create a sense of place and assist in delivery of the economic wellbeing of the area. Similarly, I am not satisfied that the proposal would comply with the Framework where it seeks to sustain and enhance the significance of heritage assets, putting them to viable uses consistent with their conservation.

Living conditions

16. The proposed development includes three new dwellings to the Church Lane frontage and two bungalows sited to the rear. The proposed bungalows (on plots 4 and 5) would not sit comfortably within the rear space of the appeal site, their positioning would generally be at odds with the pattern of surrounding development and would result in tight relationships being created with the existing residential development.
17. Adjacent to the rear boundary of the appeal site there are semi-detached bungalows facing Poplar Close. These bungalows are built at a lower land level with their rear elevations facing the site. Properties on Poplar Close have reasonably sized rear gardens, even so, the proposed bungalow on plot 5 would be sited next to the joint rear boundary. The overall height of the proposed bungalow on plot 5, to the south side of Poplar Close on higher land, would result in plot 5 overshadowing the gardens of the existing properties and would dominate the outlook from them.
18. Forge Cottage is a modern two storey property which fronts Church Lane. Its rear elevation faces the appeal site. The rear elevation of plot 4 would be separated from the rear boundary of Forge Cottage by a small garden of limited depth. The gable elevation of plot 5 would also be close to the rear boundary of Forge Cottage. The proposed bungalows would be sufficiently large and close to Forge Cottage to unacceptably dominate its garden and outlook from the rear windows resulting in harm to the living conditions of the occupiers of Forge Cottage.

19. The general arrangement of the proposed bungalows on plots 4 and 5 would limit the space around and between the properties. The gable wall of plot 4 would be close to, and on the south side of, windows in plot 5 dominating the outlook from the living room windows. In addition, plot 5 would have limited garden space which would be poorly sited next to parking spaces. As a result of the small size and limited depth of the garden area on the west side and the proposed boundary treatment, the living room windows in plot 5 would have a very restricted outlook.
20. Overall, I conclude that the proposal would unacceptably harm the living conditions of the occupiers of nearby residential properties and future occupiers of the development with particular regard to outlook. Consequently, the proposal would conflict with Policy ENV1 of the ERLP Strategic Document where it seeks high quality design which has regard to the amenity of existing and future properties. It would also conflict with the Framework where it seeks to ensure that development provides a high standard of amenity for existing and future users.

Other Matters

21. I note that there are disputes about land ownership and rights of access through the site. I have limited information before me about whether these matters could be properly dealt with under legislation dealing with private legal rights regarding land ownership. However, given my conclusions on the main issues it is not necessary for me to consider these matters further.

Conclusion

22. For the reasons set out above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR