



Appeal Decision

Site Visit made on 20 September 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th October 2021

Appeal Ref: APP/P1560/W/21/3269838

The Anchor Inn, 1 Anchor Lane, Harwich Road, Mistley, Manningtree, Essex, CO11 1ND

- 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 Ankerinn Ltd against the decision of Tendring District Council.
 - The application Ref 20/00662/FUL, dated 25 September 2020, was refused by notice dated 22 January 2021.
 - The development proposed is described as "change of use/conversion of premises from a public house & residential unit to 2 dwelling units together with the associated demolition & removal of single storey attached outbuildings."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Section 1 of the Council's emerging Local Plan was adopted in January 2021. Section 2 is under examination and the examining Inspectors have identified necessary modifications. There have been no outstanding objections identified regarding Policy HP2, and therefore it carries moderate weight in the determination of this appeal.
3. The Council raised no objection to the quality of accommodation proposed, nor suggested that the development would fail to preserve or enhance the character or appearance of the Conservation Area. I see no reason to disagree with these conclusions.

Main Issue

4. The main issue is therefore whether the proposed development would result in the unacceptable loss of a community facility and local service.

Reasons

5. Policy COM3 of the Tendring District Local Plan 2007 (the LP) sets out criteria against which the loss of community facilities and local services will be assessed. The relevant criteria to this appeal require either that there is adequate provision of similar facilities within reasonable walking distance, identified as being within 800 metres, or it has been demonstrated that there is no longer a local need for the facility or it is no longer viable, and that where appropriate reasonable attempts have been made to sell or let the premises for continued operation in its existing or last use without success. Policy HP2 of the emerging Tendring District Local Plan (the ELP) contains broadly similar criteria.

6. Regarding the first criterion, one similar facility has been identified within 800 metres of the site, the Mistley Thorn restaurant. This is a restaurant rather than a dedicated public house, and from the evidence submitted does not offer a similar service to the Anchor Inn as it is principally focused on serving food with limited bar capacity.
7. There are public houses in Manningtree, but these are more than 800 metres from the appeal site. My attention has also been drawn to a community centre in Mistley which has a bar, as well as a bar at the rugby club. However, from the evidence submitted these facilities do not operate in a similar manner to public houses in terms of regular opening hours and availability to anyone. There is also no information provided to confirm that either location is within 800 metres of the appeal site. There is not therefore adequate provision of similar facilities within reasonable walking distance of the appeal site.
8. Turning to the second of the criteria, the Anchor Inn has operated at a loss for eight years to May 2020. It has been marketed from July 2018 with no offers received. These considerations indicate that the business may no longer be viable. However, only limited information has been provided to support these points. There is no evidence of the scale of losses incurred, nor what measures were employed by the appellant to try to improve business. The marketing statement does not address whether the asking price sought by the appellant was competitive, nor whether prospective purchasers raised any specific concerns that could be addressed to make a sale and retention of the public house use more likely. It has not therefore been demonstrated that there is no longer a local need for the facility, that it is no longer viable, or that appropriate reasonable attempts have been made to sell or let the premises for continued operation as a public house.
9. The COVID-19 pandemic had a significant impact on hospitality venues, with the Anchor Inn closing while restrictions were in place. However, at the time of this decision restrictions have been lifted, and there is no limitation in place regarding the operation of public houses.
10. It has been drawn to my attention that Council officers considered the evidence submitted with the application and recommended that it be approved. However, that recommendation was not binding on the Council. The planning committee members were entitled to reach a different conclusion on the application.
11. The National Planning Policy Framework (the Framework) advocates a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans. However, the Framework also encourages the retention of accessible local services and community facilities such as public houses and to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
12. The development would result in the creation of one new dwelling in addition to the existing residence associated with the public house. This would support the Government's objective of significantly boosting the supply of homes. The Council does not have a shortfall in its housing supply, but this does not diminish the value of new housing. However, the appeal proposal would cause the loss of the public house and the harm from this would outweigh the resulting benefit.

13. The appeal proposal would therefore result in the unacceptable loss of a community facility and local service, contrary to the requirements of Policies COM3 of the LP and HP2 of the ELP which are set out above.

Conclusion

14. There are no material considerations to indicate that this appeal should be determined other than in accordance with the development plan. Therefore, for the reasons set out above, the appeal fails.

M Chalk

INSPECTOR