



Appeal Decision

Site visit made on 30 November 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2022

Appeal Ref: APP/R0660/W/21/3274475

The Sutton Gamekeeper, Hollin Lane, Sutton, Cheshire SK11 0HL

- 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 A Kennedy of Prizelogic Ltd against the decision of Cheshire East Council.
 - The application Ref 20/4280M, dated 30 September 2020, was refused by notice dated 3 February 2021.
 - The development proposed is change of use from public house (Sui Generis) to 2no. dwellinghouses (Use Class C3) including associated external alterations, extensions and erection of 2no. timber framed car ports.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would result in the loss of a community facility and whether the existing use is viable.

Reasons

3. The appeal property is a traditional building formerly in use as a public house (the PH). It has a ground floor bar, lounge and dining areas and a catering kitchen. The first floor residential accommodation includes 3 bedrooms, sitting room, office and kitchen. There is a customer carpark to the front and a garden to the rear. It is in Sutton, which is a village with a defined settlement boundary in the Green Belt to the south of Macclesfield. The proposal would not be inappropriate development in the Green Belt.
4. Policy EG2 of the Cheshire East Local Plan Strategy 2010-2030 Adopted July 2017 (the LP) seeks to protect the rural economy and the vitality of rural settlements. Accordingly, it supports the retention of community services including public houses. This is consistent with paragraph 84 of the National Planning Policy Framework (the Framework), that decisions should support a prosperous rural economy by enabling the retention and development of accessible local services and community facilities such as public houses.
5. The PH formerly operated as The Lamb Inn for a great many years. When it was purchased by the appellant in 2015, it was in need of refurbishment and it was apparently operating at a loss although little evidence has been provided in this regard. The PH re-opened as The Sutton Gamekeeper in February 2015. It operated as a game restaurant and it won industry awards in 2018 and 2019.

Annual reports and unaudited financial statements illustrate that the PH consistently made a loss in the years 2015-2018. It closed in March 2020.

6. The failure of the business is attributed in part to insufficient demand, the limited number of covers and the refusal of planning permission in 2015 for an extension. However, no viability assessment has been provided. There is little substantive evidence before me in relation to the capacity or seat or table occupancy rates of the PH, its opening days and hours, or the number of covers that would be necessary in order for it to be viable. It has not been demonstrated that other alternatives, except for the refused planning application, were explored and discounted. I appreciate that the appellant and his family have invested in the business and they are understandably disappointed that it failed. Nevertheless, it has not been robustly demonstrated that another licensee could not operate a viable business or that premises of this size are inherently unviable.
7. The PH was initially marketed in July 2020 by a local estate agent on a low key basis to try and achieve a quiet sale. It was not until December 2020 that a for sale board was erected and the details were added to the property listing websites Rightmove and Boxpod. There has been little interest from prospective purchasers, other than from persons looking to redevelop the site and to purchase the property considerably below the asking price.
8. The property has been consistently marketed at an asking price of £475,000. However, there is little substantive evidence, such as independent valuations, in relation to its market value. It has not been demonstrated that the asking price is realistic and competitive with reference to comparable premises. Moreover, while the residential property market has been buoyant during the coronavirus pandemic, there is little evidence that this has similarly been the case for the public house market. Consequently, while I accept that pandemic lockdowns have adversely affected many businesses, neither the pandemic nor the absence of a buyer demonstrates that the PH is not viable in the long-term.
9. The third party representations in support of the proposal are outnumbered by the objections, the majority of which are by local residents. The evidence indicates that the PH, particularly when it was The Lamb Inn, has been at the heart of the village and it has been a focal point for the local community for many years. It has functioned as a meeting place for local residents and community groups including sports teams and social gatherings. On the basis of the evidence before me, the PH is a valued community facility.
10. There are several other public houses and restaurants within 1 mile of the appeal site and there is a working man's club on the opposite side of the road. I note the suggestion that these offer similar facilities and they are of better or equal quality to the PH. At face value, this appears to suggest that the area is already relatively well served by public houses. However, there is little substantive evidence that any of the alternative premises are directly comparable to the PH in terms of their character and function. Geographic proximity alone may not be a reliable indicator of value to the local community, particularly taking into account the central location of the PH.
11. Therefore, the proposal would be the loss of a community service that is not demonstrably unviable and that would not demonstrably be mitigated by alternative provision. It would conflict with the aims of LP Policy EG2 in relation to supporting the rural economy and the vitality of rural settlements through

the retention of community services including public houses. It would conflict with the aims of the Framework in relation to supporting the rural economy and the vitality of communities.

Other Considerations

12. The location is suitable for new residential development. The dwellings would provide a reasonable standard of living accommodation for future occupiers. The proposal would not harm the living conditions of neighbouring residential occupiers. There would be adequate parking provision. Compliance with these and other requirements of the development plan carry neutral weight.
13. There is already 1 unit of residential accommodation in the PH. One additional dwelling would make a minimal contribution to the supply of housing. The proposed market housing would not specifically meet local community needs. There would be limited economic benefits during construction and occupation and negligible social benefits.
14. Some of the immediately neighbouring residential occupiers are supportive of the proposal. This is on the basis that the PH has, in the past, resulted in noise nuisance from music and also from staff and customers in the garden. However, there is little evidence that the historic operation of the PH resulted in unacceptable noise and disturbance on a regular basis. Therefore, this carries little weight in favour of the proposal.
15. I note the suggestion that the permanent closure of the PH would be a benefit to other public houses and restaurants in the area. However, there is little evidence that the proposal would be a significant benefit to other local businesses, or they would not be viable if the PH remained open.
16. The evidence suggests that the car park cannot accommodate all customers and they struggle to find on-street parking. However, there is little substantive evidence that the car parking arrangements are a significant constraint to the business or that there is not sufficient on-street parking capacity in the local area to accommodate any additional vehicles. The car park capacity does not weigh in favour of the proposal.

Conclusion

17. 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.
18. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR