



Appeal Decision

Site visit made on 11 January 2022

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th March 2022

Appeal Ref: APP/E2001/W/21/3276540

The George and Dragon, Main Road, Holmpton HU19 2QR

- 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 Charles Brokenbrow against the decision of East Riding of Yorkshire Council.
 - The application Ref 20/01518/PLF, dated 13 May 2020, was refused by notice dated 15 December 2020.
 - The development proposed is described on the application form as 'Change of use of public house and ancillary accommodation to public house (A4) and / or café (A3) and residential accommodation comprising three dwellings and one apartment. Various external alterations to main building and outbuilding. Sub division of existing car park to provide car parking and private amenity areas'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In accordance with the statutory duty set out in section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('The Act') I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Holmpton Conservation Area (CA). In accordance with the statutory duty set out in Section 66(1) of the Act, I have also given special regard to the desirability of preserving Elm Tree Farm Cottage or its setting or any features of special architectural or historic interest which it possesses.
3. The Council has described the development as 'Change of use of public house and ancillary accommodation to use as a public house with ancillary accommodation above (manager's flat); conversion to form 2 dwellings with associated works and erection of a first floor extension; conversion of out-building to dwelling with construction of dormer to rear; and sub-division of existing car park to provide car parking and private amenity area/beer garden'. I note that the appellant has also utilised this description on their appeal form. I consider that this revision provides an accurate description of the proposal and I have therefore determined the appeal on this basis.

Main Issue

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

Reasons

5. Policy C2 of the adopted East Riding Local Plan Strategy Document (ERLP) supports new development proposals that retain or enhance existing services and facilities;

and/or provide for new services and facilities, including, where appropriate, new mixed use and multi-purpose facilities. It also states that the loss of such facilities will only be permitted if it is proved the existing use and proposals for alternative community uses on the site are not economically viable, and there is insufficient demand to support them. Policy S4 of the ERLP supports development for new and/or enhanced local services and facilities within villages.

6. Paragraph 93 of the Framework sets out that planning decisions should: plan positively for the provision and use of community facilities, including public houses, and other local services to enhance the sustainability of communities and residential environments; and 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. Both main parties agree that the appeal property is a community facility.
7. The Council argues that the proposal would significantly reduce the size of the existing public house, replacing it with a restaurant which would not be classed as a community facility. However, a public house can have a seated area that serves food as is commonly the case in such establishments nationwide. As a result, I consider the proposal's restaurant element to be an integral part of the proposed public house.
8. Based on the evidence, it is reasonably clear that the public house is not currently in use and that it has been vacant for several years. Similarly, it is also clear that the proposal would bring this building back into use as a public house. However, according to the submitted plans the proposal would convert a significant portion of what was the restaurant element of the existing public house to residential accommodation thereby significantly reducing the size of this element. As a result, the public house and restaurant element of the proposal would have a much smaller floorspace than what it would have had when the public house was last openly trading. Consequently, even if I were to consider the proposed public house and restaurant as being a community facility, it would be a much smaller one than what was there previously.
9. The appellant has argued that the public house ceased trading in December 2017 resulting in the unavoidable loss of this community facility then. I also note that the appellant's evidence states that this was due to adverse trading conditions. However, no substantive evidence such as financial statements or accounts have been submitted to support this.
10. The appellant has also stated that the public house is currently in a state of disrepair meaning that the proposal and its smaller public house element would be sensible and allow for a greater chance of success. However, I also have no substantive evidence before me to demonstrate that it would be economically viable in the long-term. Moreover, from what I saw on my visit the appeal property is not in such a state of disrepair that it could not be brought back into use without the need for significant renovation. Furthermore, no substantive evidence has been submitted by the appellant to show that the property has been actively marketed since it ceased trading.
11. Therefore, while I note that the pub is not a designated asset of community value, based on the comments submitted by interested parties and the other evidence before me, when it was open, the public house would appear to have been well frequented by residents of the village as well as visitors to the area.
12. In this context and based on the evidence before me I am therefore also not convinced that the public house as previously configured was not economically

viable or that there was insufficient demand to support it. For similar reasons I also consider that there is a reasonable prospect of the public house as previously configured being brought back into use.

13. Accordingly, I consider that the proposal would not retain or enhance the existing community facility, which could potentially be brought back into use. I also find that it would not provide a new service or facility, given the significant reduction in floorspace for the public house element. There are also no other public houses in the village which according to the appellant's statement has a population of approximately 228 persons and I have no substantive evidence before me to indicate that the proposed public house/restaurant would be of a sufficient size to cater for the day-to-day needs of its potential patrons.
14. I therefore conclude that the proposed development would result in the unacceptable loss of a community facility thereby causing substantial harm. Accordingly, it would fail to meet the relevant requirements of policies S4 and C2 of the ERLP and paragraph 93 of the Framework.

Other Matters

15. I also note the points made by interested parties who support the proposal. However, as set out above, I have no substantive evidence to show that the public house was not economically viable before it ceased trading. As a result, I afford this consideration limited weight.
16. The proposed development would provide an additional four dwellings and a social benefit. There would also be some economic investment from both its construction and subsequent occupation. These benefits are tempered by the small scale of the proposed development, but nevertheless, carry modest weight in favour of the appeal scheme.
17. The appeal site is located within the CA and setting of a listed building. However, as the Council have not raised any concerns and given that I am dismissing the appeal on other substantive grounds, I have not considered these matters further.

Conclusion

18. The proposal would not accord with the development plan for the area taken as a whole and the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies contained within it. Furthermore, there are no material considerations that indicate the decision should be made other than one in accordance with the development plan. Therefore, for the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR