
Appeal Decision

Site visit made on 5 July 2022

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Appeal Ref: APP/Y2003/W/22/3290073

The Red Lion, 45 High Street, Broughton DN20 0HY

- 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 Durable Systems Ltd against the decision of North Lincolnshire Council.
 - The application Ref PA/2021/411, dated 8 March 2021, was refused by notice dated 17 December 2021.
 - The development proposed is change of use to convenience store and extension to front elevation.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs was made by Durable Systems Ltd against North Lincolnshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Council has raised no objections to the principle of the change of use of the pub to a convenience store. Policy CS22 of the North Lincolnshire Local Development Framework Core Strategy 2011 (the Core Strategy) states that the loss of community facilities or land allocated for such purposes will be resisted, unless there is no longer a need for the land or building in any form of community use, or there is an acceptable alternative means of meeting such need.
4. Broughton has three pubs including the Red Lion. Although one is closed, I saw that the other the Thatch Inn is still open. Therefore, there would still be a pub in Broughton if the Red Lion were to be a shop. Various comments have been received regarding it being a popular meeting place, but other facilities in the village could provide that function including the pub, village hall and working men's club that I saw on my site visit.
5. Concerns have also been raised that, should this change of use go ahead, it would lead to the closure of the shop on the opposite side of the road which contains the post office. However, there is no substantive evidence before me to suggest that this would be the case. The appeal site is within the defined Development Limit for Broughton. Although there are a number of shops in the town, it would nevertheless provide an accessible local facility for the community in accordance with policies CS1 and CS2 of the Core Strategy. I therefore see no reason to disagree with the Council regarding the principle of

the change of use. I have therefore concentrated my consideration on the proposed front extension.

6. The Council's application report makes reference to the appeal site being within the setting of four listed buildings. Although not part of its reason for refusal, I have a duty under S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I have therefore requested comments from the parties on this issue and taken them into account in my consideration of the appeal.

Main Issue

7. The main issue is the effect of the proposal on the character and appearance of the area, also having regard to the effect on the significance of the Church of St Mary a Grade I listed building, and Churchgates, The Hollies and the War Memorial all grade II listed buildings and the Red Lion as a non-designated heritage asset.

Reasons

8. The appeal site is located within a fairly diverse area with a mixture of historic and modern buildings. A unifying characteristic is their domestic scale, and most are set back from the road behind a variety of boundary treatments, including low hedges, fences and walls together with relatively large gaps between buildings. As a result, the area is open and spacious.
9. The Church of St Mary to the west of the appeal site is a Grade I listed building dating back to the eleventh century with later additions and restorations. It is constructed from coursed limestone rubble, herringbone rubble, squared limestone with ashlar dressings and large dressed stones with slate and lead roofs.
10. Much of the significance of this building, in so far as it relates to this appeal is derived from its architectural and historic interest as a fine example of a local church with early origins which retains much of its historic construction. Its immediate setting is formed by the churchyard comprising grass and trees, providing a secluded experience to the church particularly to the south. The northern part of the churchyard is more open, elevated from the road and contained by a stone wall. Given the openness provided by later buildings, and its slightly elevated position, the church dominates views along the High Street which provides part of its wider setting contributing to its significance in a modest way.
11. Adjacent to the east is Churchgates a grade II listed building and a house with seventeenth century origins which was raised to two storeys in the eighteenth century and extended in the nineteenth-twentieth century. It is constructed from roughly coarsed limestone rubble and colour washed with pantile roof and brick stacks. The Hollies is a grade II listed building on the High Street forming a house constructed in the late eighteenth century from coarsed limestone rubble with red brick dressings and pantile roof.
12. The significance of these listed buildings, in so far as it relates to this appeal, is derived from their architectural and historic interest associated with the

retention of some original building materials and evolution of domestic buildings within the settlement. Both have a domestic garden to the front contained by low walls. As a consequence of this, and the spacious character of surrounding built form, views of the buildings are available along the High Street contributing to an appreciation of the early domestic architecture.

13. The war memorial on Scawby Road is a grade II listed building constructed in 1923 incorporating a sculpture and inscription utilising Portland stone. Much of the significance of the war memorial, in so far as it relates to this appeal, is derived from its historical association and purpose as well as the inclusion by a sculpture by Gilbert Bayes. Due to its position on a corner, the war memorial is most visible in its immediate vicinity and only a short way along each road of the junction on which it is situated. Its setting is therefore limited.
14. There is no dispute between the parties that the Red Lion is a non-designated heritage asset. It is an attractive early twentieth century building set back from the road which retains many of its traditionally designed features including timber windows, front gable and entrance way. Its architecture contributes positively to the local area, complementing the domestic scale of architecture and demonstrating the evolution of the area and the prominence of the public house in the street scene. The set back of surrounding properties and the open nature of the built form, means that views are available of the building along High Street allowing an appreciation of it in the streetscene.
15. The proposed addition would result in the total loss of the original pub frontage at ground floor and would extend to the front of the building a fair way into the footway, almost as far as the existing seating area and for most of the width of the building. While the seating area is open, the extension would be an overly large addition to the front of the building, with an uncharacteristic flat roof, which would bring it much closer to the road than other buildings on the street. Its size would be accentuated by the falling land level from the building along the footway. As a result, this part of the street would have a sense of enclosure, particularly given the proximity of the buildings opposite harmfully eroding the open, spacious character.
16. While the shop front is generally well designed the pilasters do not reach the ground and appear awkward within a shop front that contains no doorway. Instead, this would be on the side of the building accessed from steps and a ramp which would add additional bulk to the extension. Consequently, it would be an obtrusive addition which would not reflect the character, appearance or setting of the immediate area and would be harmful to the significance of the building eroding its original design and the ability to experience it as a pub.
17. Furthermore, even though the extension would be single storey its front extent would block views of Churchgates and, to a more limited extent, the Church of St Mary from the east, and would compete with, and draw attention away from, the listed buildings. As a result, it would materially diminish the ability to appreciate their significance in the streetscene from this direction.
18. Given the location of the War Memorial and its relatively limited setting then the extension would not be harmful to the significance of this listed building. In addition, its location on the opposite side of the road, means that views towards the Hollies would remain open and uninterrupted and no harm would be caused.

19. I am satisfied that as the setting is but one part of the significance of the listed buildings then the harm would be less than substantial. In accordance with paragraph 202 of the National Planning Policy Framework this needs to be weighed against the public benefits of the proposal. Furthermore, any harm to the significance of non-designated heritage assets needs to be taken into account in the determination of the appeal.
20. The proposals are put forward in the context that the use of the property as a pub is no longer viable. However, there is very limited substantive evidence before me to demonstrate this other than the appellant stating that the pub, over the last eight years of ownership, had made substantial losses and was no longer sustainable. It was stated at the Planning Committee that if the application was unsuccessful the pub was likely to close its doors in January 2022 and be boarded up. However, at the time of my site visit the pub was not boarded up and appeared open. Therefore, I can give this benefit limited weight. The proposal would lead to the provision of a new shop, and while competition is not a planning issue, I saw at my site visit that Broughton is already well served by shops and therefore I give this benefit, together with the provision of new jobs, modest weight.
21. I appreciate that the appellant entered into pre-application discussion with the Council which resulted in alterations to the scheme which was eventually supported by Officers and received a favourable recommendation to the Planning Committee. However, based on the evidence before me, and my observations on site, I have found that the proposal would cause less than substantial harm to designated heritage assets and I give that harm considerable importance and weight. The benefits, based on the evidence before me, therefore are not sufficient to outweigh that harm. I am also firmly of the view that they would not outweigh the harm to the significance of the non-designated heritage asset.
22. For the reasons above, I conclude that the proposal would be materially harmful to the character and appearance of the area, also having regard to the effect on the significance of the Church of St Mary, Churchgates and the Red Lion as a non-designated heritage asset. There would be no harm to the significance of The Hollies and the War Memorial. There would therefore be conflict with policies CS5 and CS6 of the Core Strategy, policy DS1 of the North Lincolnshire Local Plan 2003, and paragraphs 130 and 203 of the National Planning Policy Framework. These require that development is designed to high standards and takes account of existing built heritage and non-designated heritage assets and is sympathetic to local character and history, reflecting or enhancing the character, appearance and setting of the immediate area.

Conclusion

23. The proposal would be in conflict with the development plan as a whole due to the harm caused to the character and appearance of the area and heritage assets. There are no material considerations that would outweigh that harm. Therefore, the appeal is dismissed.

Zoe Raygen

INSPECTOR