

Appeal Decision

Site visit made on 28 February 2023

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27TH March 2023

Appeal Ref: APP/X3540/W/22/3308126

The Crown, King Georges Avenue, Leiston IP16 4JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Trevor Smith against East Suffolk Council.
 - The application Ref DC/21/5391/FUL, is dated 30 November 2021.
 - The development proposed is a change of use from a former public house to an HMO providing a total of 11 rooms.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from a former public house to an HMO providing a total of 11 rooms at The Crown, King Georges Avenue, Leiston IP16 4JX in accordance with the terms of the application, Ref DC/21/5391/FUL, dated 30 November 2021, subject to the conditions in the attached Schedule.

Preliminary matter

2. Although my site visit was arranged as an Access Required Site Visit, no one met me at the site to allow access to the building. I nevertheless consider that I have sufficient information to make this decision.

Main issue

3. The main issue is whether the proposed conversion of a community facility to residential use is adequately justified.

Reasons

4. The Crown is a 2 storey public house with letting rooms and a large car park, situated on the edge of Leiston town centre. The pub closed in early 2020 and was purchased by the appellant later that year. The proposal is to convert the building into an 11 bedroom house in multiple occupation (HMO) with shared facilities. I understand that the accommodation section of the building has been refurbished and may have been brought back into use, but the main part of the building remains closed and appears to be in deteriorating condition.
5. An application to register The Crown as an Asset of Community Value (ACV) was not successful. Suffolk Coastal Local Plan (LP) policy SCLP8.1 states that proposals to change the use of a community facility not registered as an ACV

will only be permitted if one of 3 criteria applies. The criteria applicable to this case are, in summary: (a) demonstration that there is no community need for the current use or an alternative community use; or (b) demonstration that the current or alternative community uses are not viable, including marketing evidence.

6. The Council considers that the existing use is particularly valuable to the community so that criteria (a) is not met. It advises that there are 2 other pubs in the town but no others in this local area. The appellant refers to 3 other pubs in Leiston plus the Sizewell Sports and Social Club, which occupies a large site on the edge of town. I note one of the town centre pubs is not far from The Crown and that there is at least one other pub in the local area, opposite the entrance to the Sizewell B nuclear power station site.
7. The Leiston Neighbourhood Plan 2015-2029 (NP) refers to the night-time economy of the town being supported by a film theatre, public houses and a range of food outlets. It records that community surveys consistently show a desire for a wider range of food and drink establishments, in particular family-friendly eating places. This indicates a need to diversify away from public houses. I see no policy in the NP placing particular importance on retaining pubs in general or The Crown in particular.
8. The Council refers to the planned development of a new nuclear power station, Sizewell C, nearby. This would apparently take around a decade to build and require large numbers of workers who would need places to stay and drink in the area. I give this matter little weight, however. The project is not referred to as definitely going ahead. Even if it is proceeding, I have seen no convincing evidence that The Crown is needed to service the development.
9. I consider that the presence of other local pubs and drinking establishments, the lack of reference in the NP and the ACV bid's lack of success all indicate that there is no clear community need for the use of The Crown as a pub.
10. Turning to the issue of potential alternative uses, local objectors refer to possible use for affordable housing. I have, however, seen no specific plans for this or for any other community use. Apparently no offer was made for the site by the local community during the time the pub was offered for sale. Weighing up all these points, I find that the proposal reasonably meets the requirements of LP policy H8.1(a).
11. Although it is only necessary for the proposal to meet one of the criteria set out in LP policy 8.1, I have also looked at criteria (b), regarding viability. The Council considers that the marketing of the property has not been adequate because an inflated asking price has prejudiced any interest. It considers that the investment in the property has been towards the intended HMO use, rather than pub use, and that there is evidence that a potential buyer was discouraged. The Council therefore considers that criteria (b) is not met.
12. Policy SCLP8.1 and Appendix E of the LP set out the Council's marketing requirements. The property has been marketed for at least 12 months as required. The Council commissioned independent advice on this matter, which advises that the pub was openly and reasonably comprehensively marketed by an appropriate firm. The consultant's report does question the asking price, saying that it was 'relatively full' and above what would be considered to be the

realistic expectations of value for a public house use. The amounts involved are not quantified though, which leaves the matter of the correct price somewhat vague. The report also accepts that asking prices do not prevent offers being submitted, noting that this is common market practice. Furthermore, I take the view that the investment in the accommodation side of the property should increase the value of the property as a pub so it is fair that it was reflected in the asking price. The asking price, though perhaps somewhat inflated, is not shown to be unreasonable or unrealistic.

13. The Council produces emails from one potential buyer who considers that the marketing was not genuine, but I have seen no evidence of any actual bid for the property being rejected. As the marketing process was otherwise carried out reasonably in accordance with the Council's guidelines, without any substantive interest being shown, criteria (b) of LP policy H8.1 is also met.
14. I conclude that the proposed conversion of a community facility to residential use is adequately justified, in accordance with the aims and requirements of LP Policy H8.1.

Other matters

15. I also find no conflict with LP Policy 4.9, which supports a flexible approach to future uses and redevelopment opportunities within the Town Centre, outside of the Primary and Secondary frontages. The proposal would add to the range and amount of residential accommodation in the central area.
16. Various local concerns are raised about potential overcrowding and fire safety at the HMO, and about the potential for noise, crime and anti-social behaviour. I have no particular reason, however, to expect such problems here. The HMO would be subject to the normal building control and licensing regimes. Additionally, the site looks to be well positioned for the police to monitor the situation, as there is a police station close at hand.

Conditions

17. I impose a condition specifying the relevant plans to provide certainty. Conditions requiring satisfactory parking and access arrangements, including a restriction on the height of potential frontage features which might obstruct visibility, are needed in the interest of highway safety. I see no reason for pre-commencement requirements here, as only minor changes are needed to the retained site access. Conditions requiring provision of cycle parking and refuse/recycling storage are needed in the interests of sustainability and the appearance of the site. I have amended the wording of the suggested conditions in places, for clarity and to ensure they are reasonable.

Conclusion

18. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR

(Schedule of conditions follows)

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20-068-PL-01, 20-068-PL-02A and 20-068-PL-03B.
- 3) The use hereby permitted shall not commence until the existing vehicular accesses to the property have been altered in general accordance with approved drawing 20-068-PL-03B and in accordance with full details first submitted to and approved in writing by the local planning authority. The retained access and the closed access shall thereafter be retained in their approved form.
- 4) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall, plants or other means of frontage enclosure on the boundary of the car park section of the site with the public highway shall be retained, erected or allowed to grow so that it would exceed 0.6 metres in height above the level of adjoining public highway footway.
- 5) The use hereby permitted shall not commence until areas for the parking and manoeuvring of vehicles have been provided in accordance with approved drawing 20-068-PL-03B. These areas shall be retained thereafter and used for no other purpose.
- 6) The use hereby permitted shall not commence until facilities for secure, covered and lit cycle storage including electric assisted cycles have been provided in accordance with details first submitted to and approved in writing by the local planning authority. The approved facilities shall be retained thereafter and used for no other purpose.
- 7) The use hereby permitted shall not commence until facilities for the storage and presentation for collection/emptying of refuse and recycling bins have been provided in accordance with details first submitted to and approved in writing by the local planning authority. The approved facilities shall be retained thereafter and used for no other purpose.