



Appeal Decision

Site visit made on 21 May 2024

by D M Young JP BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 11th June 2024

Appeal Ref: APP/Y2430/W/23/3333961

1A Bradgate Lane, Asfordby, LE14 3SA.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Central England Cooperative Ltd against the decision of Melton Borough Council.
 - The application Ref is 22/01217/FUL.
 - The development proposed is the demolition of existing single storey side extension and single storey rear extensions, erection of single storey rear extension and change of use from public house (sui generis) to convenience store (class E(a)). Change of use of existing Co-operative Food store to community cafe (Class E(b)) with associated access, parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing single storey side extension and single storey rear extensions, erection of single storey rear extension and change of use from public house (sui generis) to convenience store (class E(a)). Change of use of existing Co-operative Food store to community cafe (Class E(b)) with associated access, parking and landscaping at 1A Bradgate Lane, Asfordby, LE14 3SA in accordance with the terms of the application, Ref 22/01217/FUL, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Central England Cooperative Limited against Melton Borough Council. This application is the subject of a separate decision.

Main Issues

3. The main issue is whether the proposed development would protect, retain or enhance existing community services.

Reasons

4. LP Policy C7(b) of the Melton Local Plan 2018 (the LP) states that proposals must demonstrate that consideration has been given to the potential impact of any closure of existing services on the local community with regard to public use and support for both the existing and proposed use.
5. The Council alleges that the loss of the Horseshoes public house would not be adequately mitigated by the new retail store and cafe and therefore the appeal scheme would not protect, retain or enhance existing community services and

facilities as required by Policy C7(b). Moreover, the Council alleges that the appeal scheme lacks support from the local community.

6. Both public houses and village shops are recognised as community facilities in the footnote of Policy C7. There are a range of shops and services in Asfordby which is designated as a Local Service Centre including retail, cafe/restaurants, hot food takeaways and a public house (The Crown) all within a short distance of the appeal site¹.
7. The Horseshoes public house has been closed for approximately 15 months during which it has not made any contribution to the local community. Moreover, there is no substantive evidence before me to suggest there is any realistic prospect of it doing so absent planning permission for a change of use.
8. While the Council cites a lack of viability evidence in its Appeal Statement, the refusal reasoning does not allege conflict with Policy C7(2). Moreover, the Council has clarified through its Costs Response that it does not seek to allege non-compliance with Policy C7(2) but rather takes issue with whether the Appellant has demonstrated that the public house is no longer viable in terms of the role and function it performed within the local community.
9. It is important to recognise that there would be no net loss in the number of community facilities within Asfordby as two separate community facilities would remain. The issue at hand is the make-up of the proposed uses. Although one public house would be lost, it would be replaced by an enhanced retail store and a new community cafe. However, The Crown would remain and is likely to be bolstered by the loss of The Horseshoes.
10. I note reservations about The Crown expressed by Members of the Planning Committee. However, these did not square with my own observations which showed it to be a well-used community facility with an excellent food and drink offering. I therefore find any suggestion that The Crown could not provide the same kind of opportunity for social interaction as The Horseshoes to be misplaced and unsupported by substantive evidence. On that basis I am satisfied that the loss of the public house would not conflict with C7(1).
11. I have carefully considered the Retail Impact Assessment provided by the Appellant. This supports the need for an enhanced retail store in Asfordby. I was able to see the limitations of the existing Co-op store on my site visit. I therefore conclude that a doubling of the retail floorspace would be consistent with the aims of Policy C7 inasmuch as it seeks to enhance existing facilities.
12. The Council acknowledges that a change of use to the existing retail store to a community cafe would benefit from permitted development rights and would not therefore require planning permission. I see no reason to take a contrary view on that matter. Nonetheless, I consider this element of the scheme would add to the mix of uses in Asfordby to the benefit of community well-being. Concerns that the community cafe would compete with similar establishments in the village is not a material planning consideration to which I can ascribe any degree of weight.
13. Bringing all of the above together, I consider the provision of a much-improved retail store and a new cafe would adequately mitigate the loss of the public house.

¹ see Table 1 to the Appellant's Statement of Case.

14. Turning to the issue of public support, the Committee Report refers to 13 letters of objection and a petition with 148 signatures. There is no doubt that the loss of The Horseshoes would be a disappointment to a number of objectors. However, this is only one element of the scheme and does not necessarily equate to a lack of overall support for the proposals particularly the new and improved retail store. From my reading of the representations received at the planning and appeal stages, there appears to be a good level of support for the retail element notwithstanding the loss of the public house.
15. Irrespective of the above, Policy C7 does not seek to apply a crude test a popularity, rather it requires that proposals demonstrate that consideration has been given to the potential impact of the closure. In this case I am satisfied that the Appellant has given adequate consideration to these matters.
16. Based on all of the foregoing, I am satisfied that the proposed development would protect, retain or enhance existing community services and facilities as required by LP Policy C7. On a further matter of judgement, I find the development accord with paragraphs 84 and 92(a), 93 a), b) and c) of the National Planning Policy Framework which among other things seek the provision and use of community facilities which enhance the sustainability of communities and the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

Other Matters

17. Reference has been made to an appeal decision elsewhere in the borough at Thorpe Satchville. However, the site location and policy background to this decision are materially different to the scheme before me. I have therefore considered the appeal scheme entirely on its own merits.

Conditions

18. A set of 14 conditions have been agreed between the Council and Appellant. Time limit and plans conditions are necessary to provide certainty. I have imposed a materials condition to ensure the satisfactory appearance of the proposed development. To avoid repetition, I have combined the requirements of conditions 3 and 6 into a single condition. As the Ecology report already refers to the provision of bat boxes, I have amalgamated the requirements of conditions 4 and 5 in the interests of brevity. A condition stipulating the opening hours of the retail unit is necessary to protect the living conditions of local residents.
19. I have imposed highway conditions to ensure the development is safe for all road users. Again, I have amalgamated some of the conditions to avoid repetition. As the proposal involves the use of an existing, albeit improved access from Main Street, the suggested condition requiring reinstatement of redundant accesses is unnecessary. There is a pedestrian dropped crossing adjacent to the front entrance, however, this should be retained to facilitate those crossing from the other side of Main Street.
20. I am not persuaded a Parking Management Plan is necessary or proportionate given the proposed development would be serviced from the existing yard from Bradgate Lane. The proposed layout plan details three Sheffield cycle parking hoops immediately adjacent to the store entrance. There is no suggestion

these are unacceptable in either design or location. Given the layout plan is already secured by the plans condition, a separate condition is unnecessary. Finally, as the site can only realistically be accessed from Main Street or Bradgate Lane from the A6006 and given there is ample space within the site for parking and the storage of construction materials, I am not persuaded a Construction Traffic Management plan is necessary in this instance. The storage of plant, machinery or skips on the public highway is also covered by other legislation.

Conclusion

21. For the reasons given above the appeal should be allowed.

D M Young

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the details outlined within: Block and Location Plan 15640-DB3-B01-00-DR-A-90-003 Revision D, Proposed Site Plan 15640-DB3-B01-00-DR-A-90-002 Revision C, Proposed Street Scene 15640-DB3-B01-00-DR-A-90-005 Revision B received by the Local Planning Authority on 21st December 2022, and Proposed Demolitions 15640-DB3-B01-00-DR-A-02-001 Revision A, Unit 1A Cafe Proposed Plans and Elevations 15640-DB3-B01-00-DR-A-20-003 Revision A, Proposed Foodstore Plans and Elevations 15640-DB3-B01-00-DR-A-20-004 Revision B, Existing and Proposed Roof Plan 15640-DB3-B01-00-DR-A-27-001 Revision A received by the Local Planning Authority on 3rd November 2022.
- 3) Notwithstanding the details shown on the approved plans and documents, details of the materials to be used in the construction and/or repair of the external surfaces of the proposed development including windows and doors to the front elevation of the former Horseshoes Public House at 128 Main Street shall be submitted to, and approved in writing by, the Local Planning Authority before the commencement of any works hereby permitted.
- 4) The development hereby approved shall be implemented in strict accordance with the measures, including the provision of bat and bird boxes, stated in section 4.1 (Bats) of the Bat Roost Assessment report (RammSanderson, September 2022) received by the Local Planning Authority on 3rd November 2022.
- 5) Before first use of the new retail store the access including visibility splays, parking and turning arrangements as shown on drawings 15640-DB3-B01-00-DR-A-90-002 Revision C and 22-061-SK01 shall be implemented in full and thereafter maintained throughout the lifetime of the development.
- 6) The retail unit shall only be open to the public during the following hours: 07:00-22:00hrs Monday to Saturday inclusive, and 08:00-22:00hrs on Sundays and Bank Holidays.