
Appeal Decisions

Site visit made on 10 November 2025

by **Helen Hockenhull BA (Hons) B.PI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2025

Appeal A Ref: APP/E2340/W/25/3368853

Cross Gaits Inn, Beverley Road, Blacko, Nelson, BB9 6RF

- 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 Mr John Kay against the decision of Pendle Borough Council.
 - The application Ref is 24/0684/FUL.
 - The development proposed is the change of use of existing grade II listed Cross Gaits pub from suis generis public house to C3(a) dwelling house and erection of new C3(a) dwelling house on existing carpark.
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Appeal B Ref: APP/E2340/Y/25/3368857

Cross Gaits Inn, Beverley Road, Blacko, Nelson, BB9 6RF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr John Kay against the decision of Pendle Borough Council.
 - The application Ref is 24/0685/LBC.
 - The development proposed is the change of use of existing grade II listed Cross Gaits pub from suis generis public house to C3(a) dwelling house and erection of new C3(a) dwelling house on existing carpark.
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Decision

Appeal A

1. The appeal is dismissed

Appeal B

2. The appeal is dismissed

Preliminary Matters

3. As the works affect a listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Act.

Main Issues

4. The main issues are as follows:
 - whether the proposal would preserve the Grade II listed Cross Gaits Inn, (Ref 1273141) and any of the features of special architectural interest that it possesses;
 - the effect of the proposed new dwelling on the setting of the Grade II listed Cross Gaits Inn.
 - the effect of the loss of the car park on highway safety.

Reasons

Impact of the conversion scheme on the significance of the heritage asset

5. Cross Gaits Inn is a Grade II listed building located outside the settlement of Blacko in the open countryside. It has a rear car park accessed off Beverley Road. The building has been in use as an Inn since the early 18th century. A square date stone above the doorway dates from 1736. The two-storey building is of course rubble with a slate roof. Three modern square windows are on the ground floor and three 3 light windows with stone mullions on the first floor. The building has been extended to the rear in the 19th and 20th centuries. There is a blocked-up doorway in the front elevation suggesting the building may have been two residential properties before becoming a public house.
6. Given the above, as far as it relates to this appeal, I find the significance of the building is derived from its architectural interest as a typical stone built early 18th century former public house with visible evidence of a previous residential use and its historic interest and communal value as a former Inn.
7. The Inn closed in January 2023, and the building is vacant. It was registered as an asset of community value in the same month. The applications seek to change the use of the building to a residential property and erect a new two storey dwelling in the rear car park.
8. There is no policy objection to the principle of conversion to residential use. The internal works proposed are relatively minor. At ground floor they include a new solid masonry wall where the bar used to be, creating a doorway into the proposed lounge; and the rebuilding of part of the rear wall following the demolition and removal of the flat roofed rear modern extension currently accommodating the kitchen area. A small rear porch extension is to be removed as well as the modern signage on the exterior of the building. At first floor some internal partitions are removed to create a shower room and third bedroom.
9. New roof tiles are to be provided, and rainwater goods repaired or replaced. Three new external timber doors are proposed in existing openings and also a new window in the existing hatch opening to the rear. An additional door is proposed in the side elevation and new top hung casements which match the existing. A stone retaining wall would be erected to the rear creating a yard area which would be bounded by a timber fence to the side. The internal plan form is largely retained.
10. It was evident from my site visit that there are few original internal features. Those that remain include the door frame to the internal lobby, the strap hinge and lintel to the replacement front door, the timber filleting to the ceiling and the decorative wall treatment. Whilst the internal alterations are kept to a minimum, there would inevitably be some loss of historic fabric.
11. I noted that there was water ingress in a couple of places causing damage to the historic fabric. The continued vacancy of the building and lack of maintenance would result in further damage and increase the cost of repair. Together with the loss of the historic use of the building, resulting in the loss of communal value, the proposal would result in less than substantial harm to the heritage asset. Taking account of the proposed removal of the modern rear extensions which would better reveal the heritage asset, the harm would be at the lower end of less than substantial.

12. When this is the case, paragraph 215 of the National Planning Policy Framework (the Framework) advises that this harm should be weighed against the public benefits of a proposal. In order to do this in a comprehensive manner, the wider planning benefits that also coincide with public benefits need to be set out. Consequently, the final heritage balance will be made after I have finished addressing the main issue.

Effect of the proposed new dwelling on setting

13. The proposed new dwelling would be sited to the rear of the public house in the car park area. A modern contemporary residential property is proposed to be constructed in stone with a blue slate roof to match the former public house. It would also incorporate vertical timber cladding on the front elevation above the proposed internal garage and vertical zinc walling to the single storey rear projection and feature entrance doorway.
14. The Council raise no objections to its design or materials. I have no reason to disagree. In terms of the impact of the new dwelling on the setting of the former Inn, the proposal is sufficiently far away from the pub to not cause harm to it through development in its setting. The principal elevation of the public house is visible from Barnoldswick Road on approach from the south. Being to the rear of the public house, the new dwelling would not be visible and would have no effect on how the asset is experienced from this direction.
15. Given the above, I find that the proposed new dwelling would have a neutral impact on the significance of the adjacent listed public house.

Viability and loss of community use

16. Policy SUP1 of the adopted Pendle Local Plan advises that the loss of a community facility will be resisted unless one of three stated criteria are met. Firstly, that an appropriate alternative is provided; secondly that evidence is presented that the facility is no longer required or financially viable and that it cannot provide for an alternative community use identified as being needed in the area; and thirdly that it can be proven that the property has been vacant and actively marketed for a community use for over a year. The first criterion does not apply in this case as an appropriate alternative is not provided.
17. In terms of the second criterion, there is no substantive evidence that the premises is no longer required. The fact that the Cross Gaits Community Pub Group is looking to renovate the building and put it back to a public house suggests the contrary. I must therefore consider viability.
18. I understand that the public house was previously owned by Admiral Taverns and occupied by a range of tenants paying below market rent. Due to weak food and drink sales and insufficient returns, together with the need for investment and refurbishment, the brewery considered the premises unviable. The appellant has provided data from Admiral Taverns which indicates that during the period 2020-2023, the public house was selling 54 pints a day at its height in 2022, with just 18 pints a day sold at its closure in 2023. On the face of it, this level of beer sales does not represent a viable business. However, this does not include the sale of other drinks or food and therefore gives an incomplete picture. The appellant recognises in evidence that a detailed viability appraisal has not been undertaken to demonstrate that a public house use is not viable.

19. The Community Pub Group argue that the pub did not close because of financial reasons and was operating successfully up to December 2022 but there is no evidence to support this assertion. The view of the surveyor appointed by the Group, suggests a pub use could be viable; however this assessment can only have been made on the basis of publicly available information and can only attract limited weight.
20. The intentions of the Community Pub Group are commendable, and I recognise the level of community support that they have. However, I have no substantive evidence before me to indicate that they have robustly assessed the costs involved for purchase and renovation and are likely to secure the necessary funds. I note that the Group have many pledges of support including financial pledges with an estimated range of at least £50,000 and at most £200,000. Whilst this is positive, it is likely to need to be supplemented, and I have no information of other sources of funding that are being or could be explored.
21. The Community Pub Group have indicated that they have a business plan and have run development and cash flow appraisals. However, these have not been provided. I am unable to assess if these documents are robust and whether the assumptions made are realistic. I therefore have no compelling evidence that the use of the premises as a pub is viable.
22. In summary, based on the evidence before me, the public house has not been shown to be unviable by the appellant, and conversely, the premises have not been shown to be viable by the Community Pub Group.
23. I recognise that there are many factors affecting the viability of rural public houses including, rates, energy costs, health, lifestyle and leisure changes, small local customer base, lack of passing trade. The fact that the pub is a listed building and an asset of community value may also deter some purchasers. Whilst it may be the case that the public house use would be unviable, this has not been adequately demonstrated through the preparation of a detailed viability appraisal. The appeal proposal therefore fails to comply with the second criterion of Local Plan Policy SUP1.
24. Turning to the third criterion of Policy SUP1, that of marketing, I am advised that the brewery put the premises on the market in November 2022 but were unable to find a new operator. The building was eventually sold to the appellant who continued to market the premises before the submission of the planning application.
25. The appellant has submitted a marketing report from a local agent who was instructed to commence marketing the property in November 2023. The original planning application was submitted 11 months after. The evidence shows that four viewings took place in the 11 months before the application was submitted but nothing was progressed. I understand that the feedback from interested parties who were looking at the site for a restaurant or venue use, was that the remoteness of the site was a concern as well as the costs of refurbishment which made the property unviable.
26. The Cross Gaits Community Pub Group has expressed an interest in purchasing the former pub and bringing it back into use. Representations from the Group and their supporters indicate that they employed a chartered surveyor to value the building in April 2024.

27. I have not been provided with this valuation, and I am not aware if the valuation has been undertaken with the benefit of a structural survey of the building to determine the level of works required and their cost.
28. I am advised that the appellant purchased the property for £405,000 in March 2023 and then put the pub up for sale with an increased asking price of £595,000 in November 2023, despite no renovation works having been undertaken. The Community Pub Group offered to buy the pub in September 2024 for £225,000, well below the price at which the appellant had purchased the property. Unsurprisingly the offer was rejected. I understand a further offer was made in June 2025 and again rejected. Irrespective of the Community Pub Group's low offer, there is no justification provided by the appellant for the elevated asking price of £595,000. It could be explained by the fact that the appellants intention was to develop the site for residential uses, not to sell, and the asking price reflects this.
29. The Council have submitted that at the time the planning application was considered, the property was not on the market in October 2024. The appellant advises that the property was temporarily removed from the market for around a month while some essential repairs were undertaken. I understand that currently substantial offers are invited, and that no guide price is stated in the sale documents. The appellant has not however provided evidence of how long this has been the case or whether any further interest has been generated.
30. Given the above, whilst it appears to me that at the time of this appeal, the property will have been marketed in excess of a year, though with a small break for about a month, I have insufficient evidence that a reasonable asking price was sought for the whole of this time. Consequently, I conclude that the third criterion of Policy SUP1 of the Local Plan has not been met.

Public Benefits and planning balance

31. Paragraph 212 of the Framework advises that when considering potential impacts of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As I have found that the appeal proposal would result in harm at the lower end of less than substantial, paragraph 215 of the Framework requires me to weigh the harm against the public benefits of the proposal including where appropriate, securing its optimal viable use.
32. The renovation and re use of the premises would secure the long-term conservation of the heritage asset and this would be a public benefit. Whilst the building is in reasonable condition there are signs of deterioration. The removal of the rear modern extensions which would better reveal the rear elevation would also form a benefit of the proposal.
33. Currently the Council cannot demonstrate a five-year supply of housing. The conversion of the public house and the construction of a new dwelling would contribute to housing supply in the Borough. The construction works would also bring economic benefits to the area, and the future occupiers would support the services and facilities in Blacko and Barrowford. However, having regard to the scale of the development, just two dwellings, these benefits would be limited.

34. In terms of achieving a viable use for the premises, I am not persuaded by the evidence before me that the historic use as a public house is unviable. Therefore, the residential use has not been shown to be the optimum viable use for the building.
35. Given the above, I find that the public benefits of the proposal do not outweigh the harm to the heritage asset to which I must attribute substantial weight. I therefore conclude that the proposal would fail to preserve the special interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, the objectives of the Framework and conflict with Policies ENV1 and SUP1 of the Pendle Local Plan Core Strategy. These policies aim to conserve the historic environment and resist the loss of community assets.

Highway safety

36. The Council's second reason for refusal relates to the loss of the car parking area should the appeal be allowed and the implications for highway safety. If the appeal were to be allowed, the car park would no longer be required. Conversely if the appeal is dismissed, the car park would be retained. Therefore, either way, there would be no impact on highway safety and no conflict with paragraph 116 of the Framework.

Conclusion

37. I have found that the proposed new dwelling would cause no harm to the setting of the Cross Gates Inn, and the proposals would have no impact on highway safety. However, it has not been satisfactorily demonstrated that the historic public house use is unviable or that the building has been appropriately marketed in line with Policy SUP1. The conversion of the public house to a dwelling would therefore fail to preserve the special interest of the Grade II listed building.
38. In this case, there are no material considerations of sufficient weight to indicate that the decision should be made other than in accordance with the development plan.
39. For the reasons given above, and having had regard to all other matters raised, I dismiss these appeals.

Helen Hockenfull

INSPECTOR