



Appeal Decision

No site visit undertaken

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 29th May 2026

Appeal Ref: APP/X1355/W/25/3375121

The Bridge Inn, Whorlton, Barnard Castle DL12 8XD

- 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 Geo A Carter Ltd against the decision of Durham County Council.
 - The application Ref is DM/24/02793/FPA.
 - The development proposed is Change of use from public house to 1no. residential dwelling and erection of gate.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from public house to 1no. residential dwelling and erection of gate at The Bridge Inn, Barnard Castle DL12 8XD in accordance with the terms of the application, Ref DM/24/02793/FPA, subject to the conditions in the attached schedule.

Applications for costs

2. The appellant has made an application for an award of costs. That is the subject of a separate decision.

Preliminary Matters

3. The Council's reasons for refusal refer to Policy 6 f) of the County Durham Plan (CDP). However, there is no apparent conflict with criterion f) in the officer's report and the Council's statement refers to criterion g). I conclude that there is a typographical error on the Council's decision. Consequently, I have focussed my reasoning on the conflict with CDP Policy 6 g).
4. The Bridge Inn (the Inn) was nominated as an asset of community value in 2016. This listing expired after five years and the Inn has not been re-listed. That former designation carries no weight in my reasoning.
5. I agreed with the parties prior to determination of the appeal that a site visit was not necessary.

Main Issues

6. The main issue is whether the change of use of the Grade II listed Bridge Inn accords with local policy and national guidance, with particular regard to viability.

Reasons

Background

7. The Inn is a period and listed stone building located in the small rural settlement of Whorlton, a few miles to the south-east of Barnard Castle. The officer report sets out that there have been five different tenants since 2006, and the Inn has been closed for business since November 2023. Each tenancy has ended early and with the tenants in debt. Moreover, there have been periods of vacancy between each of those tenancies.
8. In July 2019 the nearby Whorlton Bridge, which provides the most direct link to the A66 to the south, was closed. At the time the Council expected it to be closed for around a year. In the summer of 2019, the then tenant had had tenure since 2014, and had explored options such as bed and breakfast (B & B) and varied food offerings. Nonetheless, in September 2019 that tenant stated that the Inn's takings had dropped by about 50 per cent and that the Inn would close.
9. The tenant attributed the loss of revenue to the closure of the bridge, which remains closed nearly seven years later. However, there are no financial records available to me to support that assertion. As such I give the argument that there is direct link between revenue, the termination of the tenancy and the bridge closure, limited weight. There has been another tenant since the bridge closure, but that tenancy lasted only two years. However, as noted above, there has been a history of short tenancies since 2006.
10. Shortly after the closure of the bridge, it appears that the appellant applied to convert the Inn's annexe to residential use. The reasoning put to the Council included the argument that a reduction in the Inn's floorspace would reduce overheads and make the Inn a better business proposition. Releasing capital from residential use would also enable upgrading work to the remaining areas of the Inn, and make the future business more manageable. I see no reason to conclude that the 2019 Viability Report (2019 VR) and its recommendations were not submitted in good faith.
11. The Council gave permission for the conversion, but raised a concern in relation to residential amenity sufficient to impose a condition prohibiting the residential use of the first floor of the Inn by anyone other than the tenant or persons involved in the management of the Inn¹. The annexe has now been sold and is a separate planning unit.

Viability

12. CDP Policy 6 g) states that development on unallocated sites will be permitted if it does not result in the loss of a settlement's valued facilities or services, unless it has been demonstrated that they are no longer viable. The accompanying text states that to demonstrate that a facility is not viable, evidence must be provided that the premises has been advertised as a going concern at least four times within a six month period and all reasonable offers explored. The evidence will be considered on a case by case basis. Policy WP6 of the Neighbourhood Plan (NP) states that existing amenities will be protected and all avenues explored for their retention.

¹ DM/19/03212/FPA

13. Both policies predate the National Planning Policy Framework (the Framework) and in that regard the weight given to those policies shall be commensurate with their consistency with the Framework, in line with Paragraph 232 of that guidance.
14. At application the Council's Spatial Policy team recommended that the Inn be marketed freehold for a period of three months to demonstrate that it is no longer viable. It was marketed as a rental property between December 2023 and October 2024, and has been marketed for sale since March 2025. Although there have been a few viewings, none has proceeded further. I see no reason to conclude that the tests for viability set out in CDP Policy 6 g) have not been met. Moreover, the Council's evidence confirms that they have.
15. Moreover, the appellant's evidence includes the assessments which have informed the valuations, and those figures are not disputed by the Council. In any case, irrespective of the bridge closure, the tenancy turnover and periods of vacancy before July 2019 suggest that there were issues with the profitability of the business model well before that date.
16. The Council notes that there has been inconsistency in the appellant's arguments regarding viability, as the reduction in floorspace, used to support the 2019 application to convert the annexe, now limits further opportunities for diversification. However, although the 2019 Viability Report (2019 VR) sets out that there would be three bedrooms available for paying guests, that subsequent permission restricts residential use of the Inn's first floor for anyone other than the tenant or other manager. The provision of visitor accommodation was not a determinative factor in the granting of that permission.
17. Moreover the 2024 Viability Report (2024 VR) identifies issues with security and a lack of separation between potential lettable rooms and the landlord's accommodation. There are two sets of floor plans in the evidence which are inconsistent with each other with regard to room size and proportions. Nonetheless, it is apparent that using any rooms on the first floor for visitors would restrict the tenant's options for living accommodation. The 2024 VR also suggests that using the Inn for visitors would result in the tenant having to seek separate accommodation, which would incur additional cost.
18. The 2019 VR states that *'the leasehold market continues to reflect the difficulty in identifying tenants who have funding as well as the ability to operate a business, especially one which is in a rural location and food-led'*. I agree with the appellant that since 2019 there has been a succession of global economic shocks, which could not have been foreseen, and which are likely to have an adverse effect on the hospitality industry to a greater or lesser extent. In any case, even if there has been a failure to pursue other opportunities since 2019, in the absence of any enforcement mechanism, this carries no weight in the determination of this appeal.
19. Underlying trends are also identified in the 2024 VR which notes an ongoing decrease in wet sales which pre-dates the pandemic, as well as an increasing tendency for small public houses, including the Inn during its last tenanted period, to open on a part-time basis to maintain profitability.
20. The last tenancy, of two years duration, may reflect a harsh economic reality. Although the highway authority notes that around 300 vehicles crossed the bridge daily before it closed, there is nothing before me to indicate how many of those vehicles were carrying customers, or at what times. There is no certainty the

bridge's reopening would support a new business model. In any case, although there is no direct link southwards from Whorlton to the A66, there are other bridges not too far away. I find the weight given by the Council and the community objectors to the bridge closure in relation to the Inn's viability, to be overstated and unsupported by any evidence.

21. Moreover, the reopening of the bridge, originally scheduled for 2020, has been repeatedly postponed. The appellant is losing rent, has had a listed period building to maintain and has sustained high costs associated with tenancy turnover for the last twenty years. Even if I agreed that the bridge closure is directly responsible for the inability for the Inn to operate as a viable business, it seems unrealistic to expect any business to weather that kind of loss over such a long period without wishing to pursue a new business plan.
22. It is also unrealistic to suggest that the appellant has selected tenants who were not suited to the role and that this might have contributed to the lack of profitability. Tenants are a self-selecting group, and the appellant's evidence clearly highlights the difficulty of finding suitable candidates in the face of a changing customer base. Moreover, it seems to me that the B & B options were never particularly realistic. Even if the residency condition was removed, the lettable rooms are directly above the main ground floor rooms of the Inn. Although others might offer suggestions as to what different food offerings might attract visitors, the 2024 VR sets out the extensive range of food offerings and price ranges offered by the last tenant and states that the Inn received very good food reviews. In any case, it is up to the tenant to decide how to manage the business and bring in sufficient revenue.
23. I appreciate that there is local support for a public house that contributes to village life as an informal drop-in. I also acknowledge that the village hall is not a like for like replacement. However, it remains that there is a licensed village hall, available for community events. The Inn is a primarily a business venture, albeit one which also makes a contribution to community life. However, its community function is wholly dependent on its viability.

Whorlton Community Benefit Society

24. A local community group, the Whorlton Community Benefit Society (WCBS) explored purchasing or leasing the Inn and commissioned a surveyors' report² in that regard. The valuation in June 2025 was £230,000, considerably less than the current price on the open market.
25. This report sets out marketing and turnover data for public houses in North Yorkshire which vary wildly in location, proximity to trunk roads, floor area and turnover. It is unclear what conclusions I am expected to reach from this information. Moreover, the report states that the Inn remains on the ACV listing, which is incorrect.
26. There are nonetheless two comparable situations set out in this report. One is the marketing for the All Fours in nearby Ovington. Its floor area is smaller than the Inn, and it opens on a part-time basis. Nonetheless, this is being marketed at a freehold price of £295,000. The report states that the Inn would be able to increase turnover to double that of the All Fours. However, the Inn was also opening on a part-time basis when last tenanted, as a means of reducing costs. Given the marketing price

² Fleurets, June 2025

of £295,000 for the All Fours, it is unclear to me why the Inn is valued at only £230,000 in this report.

27. This report also sets out marketing details for The Bridgewater Arms at Winston, which is another village close to the River Tees and located between the A67 and the A66 trunk roads. This has a little more floor area than the Inn but has sold for £390,000. I agree with the appellant that these public houses are comparably located to the Inn, and likely to attract a similar customer base. There is a broad consistency in the price per square foot. Applying that price per square foot to the Inn, results in a figure broadly similar to the price at which the Inn has been marketed by the appellant since 2025. As such I conclude that the price of £230,000 for purchase, or a concomitant rental price, would not reflect market value. Consequently, the WCBS's arguments that the Inn is being marketed at an unrealistically high price, carry no weight in my reasoning.

Conclusion – Financial Viability

28. I conclude that there were issues with profitability long before the closure of the bridge or the conversion of the annexe. The proposed conversion accords with local policy and national guidance and consequently there is no conflict with CDP Policy 6 g) or WP6 with regard to the tests for viability and potential diversification options. I appreciate that Paragraphs 88d), and 98 c) and d) of the Framework are concerned with the safeguarding of community facilities, but this is secondary to viability and in this case the required tests have been met. In any case, the policies cited are slightly more restrictive than the Framework with regard to the safeguarding of community facilities. Even had I found a degree of conflict with the local development plan, I would have given those policies less than full weight.

Heritage

29. The Inn dates from the early 19th century and is a handsome if somewhat plain two-storey sandstone building, with a flat elevation and multi-paned sash windows, located in a prominent position on the main road through the village. Its significance arises from its intact historic fabric which is typical of period buildings in this rural area, and its social and communal value as a public house in a rural community.
30. The development would include internal works which have been granted listed building consent. Externally, the Council has raised a concern in relation to a proposed gate and section of wall, but has concluded that these concerns could be addressed through conditions. I see no reason to disagree.
31. The village is a collection of stone and largely period buildings set back from the road and arranged around a large village green. The Inn makes a highly positive contribution to the character and appearance of the Conservation Area, and this would be unaffected in the event that the appeal is allowed.
32. The Inn is listed as such on the Historic England website. I acknowledge that there would be some minor loss of significance to the listed building and conservation area, with regard to its social and communal value. This amounts to less than substantial harm, at the lower end of the spectrum. However, without a viable use the building will deteriorate. Paragraph 215 of the Framework states that where a development proposal will lead to less than substantial harm, that harm should be weighed against the public benefits of the proposal including, where appropriate,

securing its optimum viable use. In this case, I conclude that the Inn's optimum viable use is as a dwelling.

33. As such, the benefits arising from an ongoing viable use and the provision of a dwelling, as well as the ongoing maintenance of a listed building outweigh the reduction of significance and the loss of the Inn's former community function. The minor conflict with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 would be outweighed by public benefits.

Other Matters

34. The Council has highted an appeal relating to The Pheasant Inn, Shropshire³ where the Inspector found that the owners had not made sufficient effort to explore diversification options. However, that appeal is of some age, the premises had a far greater floor area with more opportunities for diversification, and it is also in a different part of the country. The appeal was determined within a very different economic and legislative framework. As such it is not comparable to what is before me. Moreover, there is no evidence provided to support the Council's assertion that it is still thriving as a business.
35. Interested parties have raised concerns that previous tenants were insufficiently vetted before being given the tenancy, or were in some way unsuitable. However, it is unrealistic and unreasonable to pose hypothetical situations in which other tenants might have made more of a success of running the Inn. I have no information with regard to the appellant's personal or business circumstances but it is also unreasonable to suggest that they take over the running of the Inn directly. In any case, it seems highly unlikely that tenants would not explore all options for a higher turnover rather than lose their investment and the tenancy.
36. The WCBS also sets out that the single two year tenancy since the bridge closure is insufficient time to trial diversification. However, this seems a reasonable period to me, particularly as the 2024 VR sets out that the tenancy benefited from significantly discounted rent. I acknowledge that there may be community owned public houses elsewhere. However, no examples are provided and in any case, there is no unused space at the Inn to dedicate to shops, social clubs or post offices. Moreover, the village has a village hall. Nor has the WCBS set out any detail of its own business model or information to support its contention that another landlord would find the operating profit acceptable.
37. The WCBS sets out that the appellant was obstructive to their attempts to pursue due diligence. I am unable to conclude either way in this regard, but it remains that the underlying dispute with the WCBS is based on the appellant's valuation, and in this case, I am satisfied that that is reasonable. Whilst I acknowledge that the group has made a considerable effort to retain the Inn as a community facility, I do not find the appellant's valuations, or efforts to find a solution with the group, unreasonable.
38. My attention has also been drawn to an unsuccessful appeal for change of use at the Dog and Gun Inn, Auton Stile⁴. This was a retrospective application for a change of use from a public house to workspace and bar/restaurant/café/retail use. The appeal decision notes that it was in an accessible location with public transport

³ APP/L3245/A/13/2192177

⁴ APP/X1355/W/25/3359018

links and nearby shops, which suggests a very different locational context from what is before me. The premises was also operational. The appeal is not comparable to what is before me.

39. A great deal of weight has been given to the contention that when the bridge opens the Inn would be accessible to a far greater customer base and that this would radically change the Inn's profitability. However, there are other bridges linking the A66 and the A67, and the diversion required over the Tees does not seem too extensive to me. Moreover, some of the people who signed the petition appear to live in Barnard Castle or other villages, and would not be particularly affected by the bridge closure. I accept that there may be a loss of casual passing trade, but this has not been quantified. A large proportion of the vehicles crossing the bridge before closure are likely to be commuters and normal business journeys.
40. I appreciate that there is strong feeling locally regarding the loss of the Inn as a public house. The argument is advanced that the valuations provided are too high, and that with a different operating model and lower rents, the Inn would be viable. However, on the basis of what is before me I am unable to agree. The Inn can only provide a community facility if it is a viable business. I am satisfied that that is no longer the case.

Conditions

41. The Council has suggested conditions and where appropriate I have amended the text in line with best practice. I have imposed the standard time and drawings condition for the avoidance of doubt. Conditions are also imposed to ensure the proposed gate and a new section of stone wall are in keeping with the period property to safeguard the setting of the listed building, and the character and appearance of the conservation area.
42. The Council has suggested that the condition relating to the timber gate include the text 'received 24.10.2024'. I have two existing and proposed side elevation drawings before me, one titled superseded, and one which is annotated. There is nothing before me to indicate which was received on 24 October 2024. However, I have indicated in the condition that the approved drawing is annotated.

Conclusion

43. I have concluded that the Inn is no longer viable as a public house. Notwithstanding the harm arising from the loss of some community and social value, as well as minor harm to the significance of designated heritage assets, that loss would be outweighed by the listed building's continued upkeep and its future occupation as a residence.
44. There is no conflict with the local development plan or the Framework, and no material considerations of such weight to lead me to conclude other than that the appeal should be allowed.

A Edgington

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin before the expiration of three years after the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following plans:
 - Site Location Plan
 - Existing and Proposed Block Plan
 - Existing and Proposed Floor Plan
 - Existing and Proposed Front Elevations
 - Existing and Proposed Rear Elevation
 - Existing and Proposed Side Elevation, (with annotations identifying the existing and proposed gates and wall).
3. The proposed gate shall in materials, dimensions and overall design, replicate the 'existing 5 bar timber gate' shown on the drawing Existing and Proposed Side Elevation.
4. The extended stone wall shall be formed using coursed random size natural stone with pointing to match the existing. No development of the extension of the stone wall shall commence until a sample panel of the proposed stone and pointing to be used in its construction has been erected on site and approved in writing by the local planning authority. The approved sample panel shall thereafter be retained for reference on site throughout its construction and the development shall be constructed in accordance with the approved sample panel.