

Item Number: 11
Application No: 13/00337/FUL
Parish: Marishes Parish Meeting
Appn. Type: Full Application
Applicant: Mr M & Mrs S Richardson
Proposal: Change of use and alteration of public house to form a four-bedroom dwelling with parking/turning and amenity areas
Location: School House Inn Marishes Low Road Low Marishes Malton North Yorkshire YO17 6RJ

Registration Date:
8/13 Wk Expiry Date: 14 May 2013
Overall Expiry Date: 21 April 2013
Case Officer: Shaun Robson **Ext:** 319

CONSULTATIONS:

Environmental Health Officer
Yorkshire Water Services No comments required
Property Management
Sustainable Places Team (Yorkshire Area)
CAMRA
Parish Council Object
Highways North Yorkshire Recommend conditions

Neighbour responses: Mr Simon Hird, Mr M Thompson And Miss A White, Mrs M Hamilton, S A Marsden, Mrs G Douglas, Mr David Marsden, Mr And Mrs AW Pashby, James And Clare Almond, Mrs Hez Hird, J And D Briggs, J M Douglas, L And P Webster, Mrs Hez Hird, Sophie Hamilton, Ian Hamilton,

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SITE:

Low Marishes is sited approximately 1.2km to the east of the A169 Malton to Pickering Road. It is approximately 5km north of Malton and 6km south of Pickering. The village comprises dwelling houses, farm buildings and a church.

The School House Inn comprises a two storey traditional building together with single storey extensions, and a range of single storey outbuildings. It is white rendered under a slate roof with a front porch.

The property is surrounded by open countryside with a small cluster of dwellings directly opposite.

PROPOSAL:

Permission is sought for the change of use, and alterations to the Public House to form a four bedroom residential dwelling, together with parking and amenity areas.

The alterations are relatively minor and essentially relate to the internal alterations to create the dwelling and the removal and creation of a number of openings/doors.

HISTORY:

- 12/00605/FUL Change of use and alteration of part of public house to 1 no. three bedroom dwelling with remainder of the building to be retained as a public house with first floor living accommodation to include external and internal alterations, erection of a garden room dining area linking extension and change of use and alteration of adjacent outbuildings to form public house kitchen and 5 no. holiday letting bedrooms (revised details to refusal 12/00008/FUL dated 11.04.2012) – APPROVED 17/10/2012
- 12/00008/FUL Change of use and alteration of part of public house to 1 no. three bedroom dwelling with remainder of the building to be retained as a public house with first floor living accommodation to include external and internal alterations – REFUSED 11/04/2012 – Appeal Allowed 10/10/2012
- 11/00871/FUL Change of use and alteration of former Public House to form 1no. three bedroom dwelling and 1no. four bedroom dwelling with parking and amenity areas (revised details to refusal 11/00360/FUL dated 08.07.2011) – WITHDRAWN
- 11/00360/FUL Change of use and alteration of former public house to form 1no. three-bedroom dwelling and 1no. four-bedroom dwelling with parking and amenity areas (revised details to refusal 09/01277/FUL dismissed on appeal 08.09.2010) – REFUSED 08/07/2011
- 09/01277/FUL Change of use and alteration of former public house to form 1no. three-bed dwelling, 1no. four-bed dwelling with parking and amenity areas – REFUSED 22/02/2010 – Appeal Dismissed – 08/09/2012
- 00/00558/FUL Change of use of farm buildings to form 6 letting units – APPROVED 10/07/2000

POLICY:

National Planning Policy Framework

Section 3: Supporting a prosperous rural economy
Section 6: Delivering a wide choice of high quality homes
Section 7: Requiring good design

Ryedale Local Plan

Policy H1 – Housing land provision
Policy AG6 – Re-use of rural buildings for residential purposes
Policy L11 – Existing community facilities within villages
Policy T3 – Access to the local highway network

Emerging Ryedale Local Plan

Policy SP11 – Community Facilities and Services

PUBLICITY:

At the time of writing this report 15 letters have been received from residents and the Marishes Parish Meeting objecting to the proposal on the following grounds:

- The loss of a Public House as a social facility;
- The property has not been marketed at a reflective price at auction;
- The proposal conflicts with National and Local Plan Policy;

- The previous appeal decisions are material to this decision;
- The strength of the number of objections demonstrates the demand for the Public House.

APPRAISAL:

The following matters are considered to be the main planning considerations in relation to this application:

- Planning Policy;
- History;
- Marketing of the property;
- Localisation Act 2011 – Assets of Community Value.

Planning Policy

The NPPF in Section 3 “Supporting a prosperous economy” – seeks to promote a strong rural economy. One of the ways to achieve this is stated to be the promotion of the retention and development of local services and community values in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

Section 8 “Promoting healthy communities”. Whilst the NPPF seeks to guard against the loss of village services and facilities, this needs to be balanced against the realities of the current economic climate where CAMRA has recently estimated the rate of pub closures across Britain averages 12 per week, 8 in suburban areas and 4 in rural areas. The driving factor behind the closures is also the changes in social behaviour with less people spending money in public houses especially those premises that have failed to change in response to changing circumstances.

At a local level, ‘saved’ Policy L11 of the Ryedale Local Plan is also of relevance and states:

Outside of the Market Towns, proposals for the change of use of buildings which currently house a community facility (for these purposes ‘community facilities’ are defined as schools, village stores and post offices, public houses, doctors’ surgeries/clinics, places of worship, village halls) will only be permitted where it can be demonstrated that:-

- (i) The facility is no longer financially viable; or*
- (ii) There is no demand for the facility within that locality; or*
- (iii) Equivalent alternative facilities will be provided nearby.*

A further consideration is the emerging Local Plan Strategy. Policy SP11 Community Facilities and Services states:

Protection

Existing local retail, community, cultural, leisure and recreational services and facilities that contribute to the vitality of the towns and villages and the well-being of local communities will be protected from loss/ redevelopment unless it can be demonstrated that:

- *there is no longer a need for the facility or suitable and accessible alternatives exist, or*
- *that it is no longer economically viable to provide the facility, or*
- *Proposals involving replacement facilities provide an equivalent or greater benefit to the community and can be delivered with minimum disruption to provision.*

The applicants have submitted, to accompany the application, further documentation to demonstrate why in their view the Public House is not viable and also to demonstrate what steps have been taken to advertise the property.

The Public House premises has been marketed by a company that specialises in commercial and licensed premises since November 2012. A subsequent auction was held on the 26th February 2013. This did not result in any interest in the property despite confirmation that the asking price was dropped in order to stimulate interest.

The Council's Asset Management Surveyor has fully considered all the information submitted in support of the application and he has advised that the property has been rigorously marketed and the auction price adequately reflected the value of the property.

History

As noted in the history section of this report, the first planning application for the change of use of the School House Inn to two dwellings (09/01277/FUL) was refused in 2010. The application was accompanied by a supporting statement which sought to demonstrate that the Public House was not viable. This was not accepted by Members, and the application was refused on the 22 February for the following reason:

The Local Planning Authority do not consider that the lack of financial viability of the School House Marishes has been satisfactorily demonstrated and thereby the proposal is to be considered to be contrary to the provisions of Policy 1.11 of the Ryedale Local Plan and the requirements of Policy EC13.1a and b, of PPS4 – Planning for Sustainable Economic Growth.

The appellants appealed against the refusal, and the appeal was dismissed. The Inspector stated:

The appellants' case relies only on the first of these events, namely that "The facility is no longer financially viable". I draw a distinction, which their case does not do, between a facility that is no longer financially viable and a business that becomes no longer financially viable when running the facility. If that distinction is not made, the objectives of the policy are unlikely to be achieved, firstly, because facilities could be lost when one proprietor fails to achieve the viability that might have been achieved by another proprietor and, secondly, because it might encourage property owners to run down facilities in anticipation that permission would be given for the change of use of the buildings housing them.

He further advised that significant contributing factors in the failure of the business were:

- (i) The general downturn in trading conditions*
- (ii) The appellants decision on trading over, to change the business focus from what seems to have been reasonably successful to a family friendly focus that failed and,*
- (iii) Loan charges and repayments incurred by the business as a result of acquisition costs.*

The Inspector stated that the first of these would have affected any business, but the others were specific to the appellants business. As such he stated that the failure of their business does not, on its own, demonstrate that this Public House is no longer financially viable. He therefore concluded that "the least that is needed to demonstrate that the facility is no longer financially viable is a genuine and thorough marketing exercise, with conditions supported by a report from an expert in the licensing trade".

A further application for the conversion to the property to residential use (12/00008/FUL) was received in January 2012. This application was presented to Members of the Planning Committee in April 2012, and after consideration was refused for the following reason:

The applicants have failed to demonstrate to the satisfaction of the Local Planning Authority that the reduced floor area that will be retained for the public house, is sufficient to maintain its long-term viability. As such, the development is contrary to the provisions of the National Planning Policy Framework and Policy L11 of the Ryedale Local Plan.

The applicant appealed the decision and the Planning Inspectorate allowed the appeal.

Prior to the Inspectorate's decision to determine the above application the applicants submitted a further application which took account of the comments made by Members in respect of the earlier applications. The previous application was refused because Members considered that the public house would not be viable on a long term basis. The revised application (12/00605/FUL) differed from the previous application in that it included accommodation associated with the Public House that could be let to bolster income streams together with a linked glazed dining extension area. Before this decision was made (following discussions in relation to the imposition of a tied condition) the appeal decision in relation to application 12/00008/FUL was made which permitted the part conversion of the former Public House and the retention of a smaller Public House.

Localism Act 2011 – Assets of Community Value

Members' attention is drawn to Guidance relating to Assets of Community Value in circumstances where an asset is properly nominated and subsequently listed.

The provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site as listed may affect planning decisions – it is open to the Local Planning Authority to decide whether listing is an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.

In this particular case the Marishes Community Asset Group have sought to nominate the School House Inn as an Asset of Community Value by a letter dated 15th May 2013. The validity of the nomination is currently being examined by the Councils' Solicitor. The Local Authority has 8 weeks to determine whether the asset should be placed on the register.

Conclusion

The loss of a Public House in a village is often an emotional event for many of the villagers and the closure of pubs is part of a continuing trend that is reflective of changes in society. Whilst an emotive issue the planning system cannot realistically preserve all Public Houses, however important they may be claimed as a community facility. Each case has to be judged on its own merits.

Whilst objections from residents and the Parish Meeting are acknowledged, it is considered that the change in the use of the former Public House to a dwelling is considered to comply with National and Local Plan policy. As such, the application is recommended to be approved, subject to conditions.

RECOMMENDATION: Approval

- 1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

- 2 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved Site Plan (date stamped 19/03/2013). Once created, these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy T7 of the Ryedale Local Plan and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interests of safety and the general amenity of the development.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Site Plan (date stamped 19/03/2013)

Ground Floor – Proposed & First Floor – Proposed Plan (date stamped 19/03/2013)

Front, Side and Rear Elevations – Proposed (date stamped 19/03/2013)

Reason: For the avoidance of doubt and in the interests of proper planning.

Background Papers:

Adopted Ryedale Local Plan 2002

Regional Spatial Strategy

National Planning Policy Framework

Responses from consultees and interested parties