



## PLANNING COMMITTEE

Tuesday 26 October 2021 immediately following Licensing Committee

Council Chamber, Ryedale House, Malton

**For the purpose of public transparency and accountability, the meeting will be live streamed online. Details of how to access the live stream will be made available on the Council's website in due course. For health and safety reasons and in accordance with our risk assessment, members of the public are asked to follow the meeting via this method and cannot attend any physical meeting in person. Members of the public wishing to speak at the meeting will be able to do so remotely and details of how to do this will be provided after registrations to speak are received.**

### Agenda

18 Late Observations

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# Agenda Item 18

RYEDALE  
DISTRICT  
COUNCIL



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All Members of the Planning Committee  
Council Solicitor  
Head of Planning  
Planning and Regulation Technical Support Manager

Ref: Agendas/Planning/20

22<sup>nd</sup> October 2021

Dear Councillor

## **Meeting of the Planning Committee – 26<sup>th</sup> October 2021**

With reference to the above meeting I enclose for your attention the late observations received since despatch of the agenda.

All items for the late observations relate to:

Item 11 – 21/00861/FUL

Yours sincerely



Mrs Karen Hood  
Planning and Regulation Technical Support Manager



## **YORK CAMRA OPPOSES PLANNING APPLICATION: 21/00861/FUL**

York CAMRA would like to add our unequivocal support to local residents of Thornton le Clay who, by an overwhelming majority, strongly oppose the permanent loss of The White Swan, which although closed at the moment could still be reopened and play a pivotal role in village life and under the correct business model run successfully and viably.

Given this public house has been serving the residents of Thornton le Clay and Foston for 150+ years, there is an obligation incumbent on any owner of the property to maintain this pub as the community asset it is, in line with principles of sustainability and good stewardship for current and future generations.

We cannot speculate as to the real intent of the current owners when they purchased the pub, but find it beyond comprehension that there was such a significant lack of due diligence, which they admitted to, when speaking with independent expert Mike Hughes:

- *"...the owners confirmed that prior to purchase of the public house they took no professional advice in relation to the property as a public house or its condition"*
- *"The current owner confirmed to us during our inspection of the property that these works have been undertaken by the owner with little consultation to any relevant authority or licensed trade professional."*

We take a particularly dim view of the casual disregard by the owner of formal planning processes and an approach of *"it is better to ask for forgiveness than permission"* can in no way be condoned by approving this application. Nor can any excuse that the owner didn't know any better be given any credibility, given ignorance or mistake of law is no defence.

Other councils have taken a similar view to us, as evidenced by Carlisle City Council [issuing an enforcement notice](#) to the owner of The Centurion Inn at Walton, near Brampton. The owner had applied for retrospective planning permission, after using the pub as a dwelling without planning permission.

Bearing all this in mind, we would like to outline some key material reasons why The White Swan should be retained as a public house regardless of whether planning permission is sought in the correct manner or in this case retrospectively.



### Importance as a local Community Asset

Pubs are called community assets, whether they are being referred to in informal terms or indeed in this case where The White Swan has been formally listed as an Asset of Community Value – thus meeting the important criteria for such a classification. This is important as it gives the community the right to bid for this public house should it be put up for sale. There are now over 120 pubs in the UK that have direct community ownership and many rural examples where pubs serve multiple purposes. The George & Dragon in Hudswell is an excellent example and was the first community-owned public house in North Yorkshire. It serves as a meeting place and venue, it is also home to the village library, a local shop staffed by volunteers, community allotments and free internet access for its patrons.

It was also selected as CAMRA's National Pub of the Year in 2016, the first community-owned pub to win the award.

The White Swan when it was open proved its worth as a valued facility and the residents in their submission to Ryedale Council have highlighted the many ways in which it served local residents and visitors to the area:

- Quiz nights, charity events and coffee mornings
- Significant life events and celebrations in the community (Wakes, Christenings, Birthdays and Wedding receptions)
- Catering for individuals staying in local holiday properties
- Meet-ups and support network for Village mums
- Post school day meetings for staff of Foston C.E. Primary School and Governors
- Post sporting event parties including local horse racing.
- Themed dining e.g. curry nights, fish nights, pie nights.

The NPPF specifically states under “Supporting a prosperous rural economy” in paragraph 84 of the July 2021 edition:

*“the retention and development of accessible local services and community, facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, **public houses** and places of worship.”*

Public houses are specifically mentioned such is their importance to social cohesion, even more importantly within communities not served by other regularly accessible services such as shops and lacking any discernable public transport service – as with Thornton le Clay. When there is an



existing valued local facility within conveniently short walking distance of all residents – why should they be forced to go elsewhere.

The Ryedale Local Plan is specifically worded to positively protect community facilities such as The White Swan:

*“In rural Ryedale and in particular those villages that are **not well served by public transport**, the loss of such facilities can have a major impact on the vitality of local communities as well as individuals, particularly the less mobile and those without access to a car.”*

In the appeal case of The Jubilee in a suburb of York (Appeal Ref: APP/C2741/W/18/3213654) where there were a significant amount of public houses that residents could walk to in nearby York city centre, the inspector John Morrison commented when rejecting the planning application:

*“...to make people travel for it when it is in existing supply seems to me to go against the principles of reinforcing a sense of community in a local and not displaced context.”*

### **The social importance of rural pubs**

The local presence of a pub within a community is important, as expert national research confirms that outside the home the pub scores the highest of any location as a place where people meet and get together with others in their neighbourhood. "Third places" (neither workplace nor home) are crucial to the maintenance of the community and the enhancement of social capital.

Public houses not only make a valuable contribution to the community and cultural life of neighbourhoods in villages, towns and cities, but at a community level they offer a source of identity and distinctiveness. A national opinion poll by IPPR found that *“outside the home the pub scored the highest of any location as a place where people meet and get together with others in their neighbourhood”*. They provide a focal point for opportunities for social interaction and provide places to meet (informally or as part of a community group) which supports community cohesion – in short the essential ingredients of a sense of community and place.

[A recent report by Localis](#) highlights the importance of pubs in social infrastructure:

*The closure of pubs in rural areas greatly inhibits the ability for social exchange and leads to the decline of several other community initiatives taking place at the local level. An increasing number of groups have been highlighting this issue. One such is the Countryside Alliance, which is a campaigning organisation promoting the rural way of life, that has been active in highlighting the importance that pubs play in rural communities across the country.*



Pubs are a uniquely multifaceted facility: the community value generated by pubs spans social and economic spheres which contribute to the vitality of rural communities and the character of an area. They provide not only historical continuity but are an essential ingredient for promoting healthy communities and maintaining diverse, strong, secure and accessible neighbourhoods.

They make these villages highly desirable places in which to live, helping to provide services locally for the community and beyond, plus they add to the character and distinctiveness of the area as a whole.

The community value generated by pubs strengthens and extends social networks and helps in reducing social isolation particularly in rural areas. The Loneliness Campaign North Yorkshire [Strategic Document for Tackling Loneliness](#) makes 63 references to rural loneliness and with relevance to pubs states:

- *In many rural areas, the only buildings available (if any) which enable local people to meet socially and/or provide community activities are **pubs**, village halls and church buildings*
- *the continued closure of rural shops, **pubs**, schools and services causes problems for the very young and very old, those at highest risk from isolation; and the problems of 'waiting for a bus that never comes' means that socialising becomes an issue for those that don't drive.*

Expert research backs the vital need for rural pubs, concluding that *"Happy people and those who are embedded in large, well-integrated social networks are sick less often. Directly and indirectly, pubs as venues for social communities are likely to yield significant savings on health care budgets"*.

These [researchers from the University of Oxford](#) combined data from three separate studies - a questionnaire-based study of pub clientele, observing conversational behaviour in pubs, and a national survey by the Campaign for Real Ale (CAMRA).

They also found that people who have a 'local' that they visit regularly tend to feel more socially engaged and contented, and are more likely to trust other members of their community. They also observed that those without a local pub had significantly smaller social networks and felt less engaged with their local communities.

Important research by Dr Matthew Mount and Professor Ignazio Cabras the University of Northumbria titled ["Community Cohesion and Village Pubs in Northern England: An Econometric Study"](#) studied data that comprised 1488 rural pubs operating within 715 parishes serving a population of over 400,000 individuals located across Northern England.



Their research demonstrates the importance of pubs for maintaining rural areas in these regions and they came to some key conclusions:

- *“The traditional village pub is an essential feature of the rural scene, as much like the local market or parish church they act as a meeting place where inhabitants can socialize.”*
- *“Findings generated from the analysis identified a positive impact exercised by pubs on the levels of social engagement within rural parishes. The SEM analysis proposed not only corroborates evidence from previous studies, but also provides evidence of a possible cause-effect relationship between the presence of pubs and higher levels of community cohesion in the rural parishes examined.”*
- *“The closure of rural pubs is strongly associated with the decline of social drinking and increasing levels of alcohol consumption in private premises. It is vital the Government supports rural pubs with appropriate policies to ensure our rural way of life is maintained.”*

An important [recent publication](#) by The All Party Parliamentary Beer Group provides compelling evidence of the importance of pubs within local communities and took exhaustive expert testimony from a wide section of the pub and leisure industry including Molson Coors; Heineken; BII; Greene King; EI Group; UK Hospitality; Pub is the Hub; BBPA; DEMOS; CAMRA.

The APPBG document stated that:

- *“KAM’s research showing 95 per cent of people believe pubs and bars play an important role in creating a vibrant local community.”*
- *“we heard from licensees about the importance for their customers’ mental wellbeing of them having somewhere to go out to;”*
- *“For many, isolation and loneliness are a daily reality, and for some, the only human contact they have is with the friendly face behind the bar. It may be just small talk with another customer about the weather, or a bit of lively discussion about last night’s match, but those small moments of connection with another person are what puts pubs at the heart of their communities.”*
- *...there are fewer and fewer options for people to come together as a community, to meet strangers, to break out of their narrow echo chambers of opinion. Pubs have an intrinsic value as places to interact.”*

Loughborough University’s Dr Thomas Thurnell-Read – an expert in the study of alcohol consumption and drinking culture recently published his [latest research paper](#) which highlights the importance of pubs within local communities:

- *“Pubs were seen as being important to the wellbeing of both communities and of individuals and were are valued for being a central feature of local communities”*



- *“63.9% (of survey respondents) felt that their pub was one of the main places that people living in the local area can socialise. 85.9% of respondents agreed and strongly agreed with the statement ‘When a pub closes the local community suffers.’”*

### **The importance of village pubs to the rural economy**

Pubs support 884,860 jobs across the UK, £12.1bn of wages, and £23.4bn of GVA across the country. ([Oxford Economics 2020](#))

Pubs and bars provide about 119,000 jobs in rural areas of England and Wales (ONS, 2018)

*Pubs “pack a powerful economic punch, with each pub contributing around £100,000 to its local economy every year.”* Taken from “Pubs showcased as part of Best of British”; Department for Communities and Local Government and The Rt Hon Brandon Lewis MP Part of: Localism and Tourism Published: 29 July 2013

This is [further backed up by research](#) at Northumbria University's Newcastle Business School who calculated the local economic impact to be between £80,000 and £120,000. So even if The White Swan was at the lowest end of “economic impact” - it could deliver £80,000 of economic impact to the local area, with not only direct employment of local residents but a positive impact on the local supply chain. Should The White Swan become a residential dwelling that would represent in effect an “opportunity loss” to the local supply chain of up to £80,000.

This local supply chain could include butchers; bakers; cheesemakers; local producers; farmers; local breweries – in fact [a major report](#) by the NFU highlighted one rural pub in North Yorkshire – The Angel at Hetton, that specifically evidenced that their food and drink came from 22 suppliers across the local area.

Research from Northumbria University found there is a strong positive relationship between an increase in the number of pubs and [an increase in house prices](#). The research showed that in rural areas, preserving pubs from closure can help keep house prices stable and ‘may even increase the value of localised house markets’.

Data from 373 local authorities gathered between 2005 and 2015 found that this effect was particularly strong in predominantly rural areas.

The now Chancellor of the Exchequer Rishi Sunak (MP for Richmond) has previously [highlighted the importance of village pubs](#) to the rural economy and spoke of the Chief Exec of Welcome to Yorkshire’s powerful testimony to a parliamentary Select Committee of the interconnectedness of the rural economy where if one part of a local economic ecosystem disappears it negatively impacts on other businesses.



### **Lack of suitable alternative facilities by distance**

An appeal decision (APP/Y9507/W/19/3229374) regarding The Queens Hotel, Selborne rejected the argument of alternative nearby facilities and the inspector stated:

*“Spatial proximity should not be regarded in itself as a reliable indicator of the value placed on public houses by local communities.”*

There is certainly a lack of suitable alternative public houses within an acceptable distance from Thornton le Clay. Parties supporting this application have made attempts to justify the permanent closure of The White Swan by erroneously pointing to a supposed plentiful supply of superior alternatives. A list was even supplied as an annex which was poorly researched and compiled. The nearest pub The Thompson Arms was named as being in Thornton le Clay even though the pubs own website gives their address as Flaxton Station, Flaxton. More importantly it is a single roomed pub that doesn't even begin to match The White Swan in the amenities it offers and is a 2,200 metre walk from Thornton le Clay along an unlit road without any pathway. This negates the whole point of visiting a pub in that it needs to lend itself to the spontaneous casual visit. Local residents without transport who at 8pm at night think “I quite fancy a quick drink in my local” would need to forward plan to order a taxi from Malton or York. Research also shows that having to drive to a rural pub is the biggest disincentive to visiting. People would rather stay in than drive to a pub and not be able to have an alcoholic drink.

The Ryedale Local plan makes numerous references to an acceptable distance of 720 metres to access local amenities – such as a Village Hall – which offers fewer facilities than a local public house. A village hall is a static amenity without the versatility of a pub. It usually has to be pre-booked and doesn't not offer the opportunity for spontaneous social interaction that the village pub does. They are complementary but different.

This is supported by a planning appeal decision (APP/H1705/W/17/3169774) regarding The Old House at Home, Newnham in which the inspector Patrick Whelan stated:

*“I note the village hall which is used for social gatherings and activities; however, it requires booking in advance and provides a venue with a quite different facility and character to a pub.”*

Research shows the statistically significant impact of pubs and village halls on the levels of community cohesion, measured by the COMCOH index, and public houses consistently score double that of village halls.

Many local authorities make it clear that a comfortable distance to a local amenity such as a pub should be around 800 metres. Some use this as an acceptable distance to an alternative



amenity. A simple search in a search engine such as Google or Bing shows that many councils still use *Guidelines for Providing for Journeys on Foot (The Institution of Highways & Transportation, 2000)* in their calculations. This actually states that outside of urban areas 1200 metres is an acceptable walking distance. The nearest alternative pub named by Prism is The Thompson Arms which is excessively longer at 2,200 metres. People are not going to walk 27 minutes for a casual drink, nor should they be required to when a pub already exists in the village.

### **Lack of suitable nearby alternative pubs as an equivalent facility**

There are numerous examples of planning decisions that consider nearby alternatives not convincing enough of an argument to lose a unique community pub.

In the planning appeal concerning The Maypole, Acton Bridge (APP/A0665/W/18/3219332) the inspector J Moss stated:

*“the existence of another PH in the village is not sufficient to demonstrate that the facility at the appeal site is surplus to the needs of the community.”*

In another similar decision (APP/H1705/W/17/3169774) regarding The Old House at Home, Newnham, the inspector Patrick Whelan was not satisfied that nearby pubs and the local village hall were sufficient a reason for the loss of a community facility and also commented on the strength of support similar to that of local residents in Thornton le Clay:

*“There are other pubs in the wider area, though their distance a short drive away, would mean they serve the local needs of this community less.*

*Furthermore, the pub’s listing as an ACV under the Localism Act 2011 formally recognises that the resumed use of the building would support the well-being and the social interests of the local community. The strength of support for its retention indicates how valued the pub is as an important local community facility which is still very much needed”*

The arguments referring to alternative pubs in the area fail to acknowledge that an area can have (and probably needs) a diversity of pubs that appeal to different tastes and clientele. Not all pubs are the same and pubs close to each other can all be successful by offering different experiences.

This is very well articulated by planning inspector H Porter regarding The Red Lion, Overton when rejecting the application (APP/H1705/W/18/3204499) to turn the pub into a residential dwelling:



*There are other public houses in Overton, as well as establishments that serve food. However, an alternative facility is not just one where a customer could be served food or alcohol; and the success of one establishment does not have to preclude success at the other. From the representations of interested parties, including the local Business Association, it is evident that the local need for the Red Lion Inn is as one of a range of establishments in Overton suiting a variety of requirements."*

Finally, supporters of this retrospective planning application cite the appeal decision regarding The Royal Oak in Nunnington, which in no way can be considered similar to Thornton le Clay and so should be discarded as a red herring.

Firstly the two establishments are fundamentally different in that one (The White Swan) demonstrated viability until its closure due to the pandemic, whereas The Royal Oak was historically declining in turnover according to its owners.

The White Swan also offers a significantly more enhanced retail opportunity - being larger internally so offering more "covers" and with a far larger car park which is essential for tourism and a huge beer garden, again absent at The Royal Oak.

The Royal Oak also had competing food outlets in Nunnington (Old Yard Coffee Shop and the Café at Nunnington Hall National Trust) which diverted trade from it. The White Swan has no such competition.

It is also worth noting that the inspector at the Royal Oak appeal publicly asked if The Royal Oak was an Asset of Community Value which showed he viewed that as a material consideration.

### **Viability of The White Swan**

Firstly it is of paramount importance to recognise the statement in his report to Ryedale District Council by independent expert witness, Chartered Surveyor – Mike Hughes:

*"in my opinion the White Swan is economically viable."*

There is compelling evidence from the former licensee / tenant Julie Long who has publicly stated in her own objection:

*"We ran The White Swan as a successful business for over 6 years employing over 10 members of staff."*

It should be patently obvious to anyone without confirmation bias that a pub employing 10 people (including 2 full time) is running a successful business model and all of the pubs quoted in the Prism document were open and offering alternatives to potential diners during that time



period. The fact that they didn't cause The White Swan to be disadvantageously affected should be evidence that there is a hospitality market big enough to accommodate all current local pubs including The White Swan.

There is every reason to assume that, given that this public house is free of tie and so the prohibitive pricing of beer that has to be purchased from pub companies, beer can be purchased from local breweries at an optimum price and this also gives added appeal. One only has to look at a local CAMRA award winning pub like The Mended Drum in Huby to see what is possible with a great beer offering combined with great food notwithstanding significant competition in the surrounding area.

It is a fallacious argument that nearby alternatives restrict the ability of The White Swan to be successful. In fact the 3 pubs stated as being nearest to Thornton le Clay don't have a food offering, which was a crucial part of the economic success of the pub under Julie Long who called it a "food led business".

Inspector S Edwards makes the same point in the appeal ruling (APP/Y9507/W/19/3229374) regarding The Queens Hotel, Selborne:

*"public houses do not necessarily have to be restricted in number to enhance their viability, as this would otherwise prevent competition and complementarity"*

## **IN CONCLUSION**

We contend that no party has made a convincing argument to support the loss of the (Asset of Community Value) The White Swan. There is no compelling reason why a historically financially profitable business that was also a fundamental community hub should be lost due to the overwhelming need for a residential property.

The Ryedale Local Plan rightly states the importance of community facilities and states

*"This Strategy considers these facilities to have an importance and they should be protected as far as possible."*

It would be an unacceptable loss to the local community if the planning application was approved. The retrospective planning application does not satisfy **any** of the conditions stated in the Local Plan SP11 in order for it to be granted:

- Huge local opposition from local residents and the local school and parish council shows that they want to retain the The White Swan as a much needed community facility



- Accessible alternatives do not exist given the absence of public transport serving Thornton le Clay and walking 2,200 metres to the nearest one room pub is not acceptable
- Replacement facilities do not provide an equivalent or greater benefit to the community and the closest are inferior in what they offer compared to The White Swan
- There is compelling evidence that The White Swan was a successful viable business prior to its enforced closure due to the onset of the Covid pandemic

Until the current owners decided arbitrarily that Thornton le Clay no longer needed its pub, there was never any question that The White Swan was surplus to requirements, unviable or not needed as a community asset.

Given that the owners have admitted that they sought no expert guidance in relation to the purchase of the pub and with regard to running it as a business, it could be a fair assumption that their opinions hold very little credibility. They have employed consultants to try and make a case for the permanent loss of The White Swan through sheer necessity: to try and achieve retrospective planning permission, given the significant cost incurred by building works so far to reduce the building to a shell and so by logical conclusion the significant cost of having to reverse these works and get the building put back into shape to be used as a public house. The adverse financial implications for the applicant should not be given any weight when considering this application.

This retrospective planning application should be refused on the basis of all the compelling arguments articulated in this document, which when considered collectively show overwhelmingly that The White Swan is a vital and viable community asset that is wanted and needed by the residents of Thornton le Clay. Planning approval would result in the unacceptable loss of community facilities.

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