



Appeal Decision

Site visit made on 25 June 2013

by Wenda Fabian BA Hons Dip Arch IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 July 2013

Appeal Ref: APP/T2350/A/13/2193965

Dog & Partridge, Tosside, Skipton, North Yorkshire BD23 4SQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs T J Gridley against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2012/0729, dated 8 August 2012, was refused by notice dated 18 January 2013.
 - The development proposed is change of use from public house, bike hire and dwelling to hotel, bike hire and dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether the proposed change of use would preserve the special architectural or historic interest of the listed public house and would safeguard the character and appearance of the Forest of Bowland Area of Outstanding Natural Beauty; and
 - ii) whether the effect of the proposal on the provision of community and tourist facilities in the local area, the rural economy and the vitality of the area would be justified, in accordance with development plan policies and the associated guidance.

Reasons

Listed building

3. The Dog and Partridge is a traditional country pub, which is listed Grade II. It is built of squared watershot sandstone with a stone slate roof and probably dates from the late 18th century. It is a handsome two storey, four bay building with paired casement windows in raised plain stone surrounds. The main off-centre front entrance has a modest stone porch, added more recently, and there is a secondary front entrance at one end. The Dog and Partridge pub is one of the most prominent buildings in Tosside; it sits at its heart in an attractive roadside setting, close to the church, the community centre and the historic stone marker at the central road junction. In this context, it is a designated heritage asset of considerable significance; both due to its architectural interest and its traditional function within the settlement. It is

also located within the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

4. The proposal is for changes of use within various parts of the building, but with no physical alterations.
5. At the rear, behind the lean-to single storey former stores and outbuildings attached to the historic building, is a two storey modern extension connected into the upper main floor by a glazed link. This was authorised and built in 2005 and is an attractive high quality extension that is visually separate from the main historic building. It has good views to the west of the beautiful open landscape of the AONB beyond the courtyard.
6. This new part of the building currently provides three en-suite bed and breakfast guest bedrooms at first floor, including a family or group bed room, and a café/bike shop area at ground floor. There is a ground floor entrance and foyer area, leading from the rear external parking and seating area. The proposal is to re-focus the public facility into this rear extension as a hotel, with the café/bike store area at ground floor converted for a bar/dining area and the bike hire provision moved to a store behind the main building. Bike storage for customers would be within the former beer cellar in the main building. The purpose-built bed and breakfast accommodation and the ground floor catering kitchen in the historic building would both remain unchanged.
7. As a result of the proposal, the main historic building, the two storey public house, would become wholly residential and would be used as a private dwelling for the appellant. The reconfigured hotel and bike hire accommodation would be wholly within the new rear part of the building with access via the rear courtyard area.
8. The National Planning Policy Framework (the Framework) sets out that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. An applicant should be required to describe the significance of any heritage assets affected to enable an understanding of the potential impact of the proposal on their significance. No heritage assessment of the listed building has been provided, other than its listing description and this provides little information as to its history, the original layout of the spaces within the building or their functions.
9. From what I have seen, at present the use of the main historic part of the building seems to have remained largely as it was built (albeit that some layout alterations have been made) with the ground floor in use as a public house and the upper floor in residential use.
10. Like many country pubs, the economic balance between drinking and eating has altered and here the traditional bar and lounge have been adapted; the tap room at one end now provides the drinking space, with a separate front entrance. It is hard paved, with a sparse utilitarian feel. Beyond this, interconnected and sharing a continuation of the bar is a larger central beamed space, with the only remaining ground floor fireplace. This would previously have been likely to have provided a more comfortable lounge bar; it is now given over mainly to dining tables, with a catering kitchen at the other end. An historic and much worn stone dog-leg winder staircase, located behind a door at the back of the lounge but opposite the main building entrance, leads to the residential floor above.

11. Although no physical alteration would be made, the functional significance of the building (which from the list description, was purpose built as a public house) and its central status in village life would be lost through the proposal. Once in domestic use the outer appearance of the listed building would inevitably change with time – the signage denoting its use would have to change to prevent mistaken attempts at access and the currently open frontage would become private. With the proposed change of use, all of the historic ground floor accommodation would be removed from public access and the traditional use of the public house would be fundamentally altered. Thus, the change of use at the main ground floor of the building would cause substantial harm to the special historic interest of the listed building, through the loss of its historic function as a public house.
12. This would also cause a small degree of harm to the character and appearance of the AONB, an effect resisted by policy ENV1 of the *Ribble Valley Districtwide Local Plan, 1998* (LP). Although dated, this policy is in compliance with the aims for the natural environment set out in The National Planning Policy Framework (the Framework), which places great weight on conserving the scenic beauty of the AONB.
13. The Framework requires a balanced judgement to be taken having regard to the scale of harm and the significance of the heritage asset. Great weight should be given to the asset's conservation. In this case, I judge that the harm arising from the proposed change of use would be substantial.
14. The appellants suggest that like at many places throughout the country, the public house trade here has diminished. They consider that it is no longer viable in such an isolated rural location. The appellants consider that this particular public house has little prospect of surviving without reconfiguring the accommodation as proposed. The current arrangement requires staffing in two different locations, in the public house at the front and the café at the rear. The balance of areas dedicated to commercial and private residential uses would be dramatically altered by the proposal; around 30% of the commercial area of the building would become domestic and at ground floor this would amount to a change in use from commercial to residential of around 50% of the floor space.
15. If the building was to fall out of use and, where no viable use that would enable its conservation can be found in the medium term through appropriate marketing, then, in such circumstances, the Framework requires the harm arising from a proposal to be weighed against the benefit of bringing it back into use.
16. I consider viability matters below. However, in terms of the effect on the listed building, even if it was necessary to alter the balance of residential to commercial space, the current proposal would not be the only means of achieving this and I conclude that it would fail to preserve the special historic interest of the listed building as set out above.

Viability, tourism and community facilities

17. My attention has been drawn to several policies from the Council's *Core Strategy 2008-2028 A Local Plan for the Ribble Valley*. As this document is a submission draft I can afford little weight to these policies. From the development plan, saved LP policy S6 seeks to protect ground floor commercial

space within villages from a change to residential use where this would have an adverse effect on the local rural economy. LP ENV1 also requires development to have regard to the economic and social well being of the area within the AONB. These aims are all in compliance with the Framework, which seeks to support economic growth in rural areas and promotes the retention and development of local services and community facilities such as public houses in villages.

18. The Council's related supplementary planning guidance (SPG) – *Retention of Public Houses in Rural Areas*, does not have the status of the development plan but amplifies the LP policies and sets out the social and economic importance of pubs in rural areas. It emphasises the Council intention to safeguard this role and requires that any submission of a planning application for the change of use of a pub to a non community use should provide evidence to show that adequate attempts have been made to market the business as a going concern. It also highlights that consideration will be given to the effect of the proposal on the visual impact, attractiveness and vitality of the village, even where few physical alterations to the building are proposed. Advice to landlords is offered by the Council's Economic Development Officer and suggestions are provided in the SPG as to alternative ways to ensure that rural pubs are kept open, including the use of volunteers from the community.
19. Since they bought the pub in 2003, the appellants have sought to attract new business arising from the outdoor activities that are being promoted in the wider area of the AONB and to provide in particular for cyclists who visit the purpose built Gisburn Forest trails close-by. The bed and breakfast accommodation built in 2005 has proved successful and they wish to focus the business as a hotel provision for this market sector as the public house part of the enterprise is running at a loss.
20. The appellants have provided a record of the visitor numbers to the public house over the weekends of 11/12 and 18/19 May 2013; the highest visitor rate in a day was 17, the lowest 7 and a little over a half of the customers each day bought food. However, I am mindful that this part of 2013 was characterised by a particularly cold spring, uncondusive to tourism or visitor trips to the countryside and neither of these weekends was during a particular holiday period; they may not be representative of the potential trade in the summer and holiday seasons.
21. Profit and loss records from the 7 months to 31 March 2008 through successive years to 31 March 2012 have been provided. They indicate sales turnover rising until to March 2010 and then diminishing in the two successive years. The gross profit rises in the first 4 years and falls substantially in the final year. Director's and staff wages follow a similar profile. Losses of between £31,676 and £40,140 are recorded each year. The accountant's letter with these states that they are a true record, except for the directors' salaries and rent, which are adjusted to give a more realistic reflection of the value of the property and the effort put into the business by the appellants. No comparative rents for similar properties in the area have been provided.
22. Without further detail, it is difficult to form a clear picture of the financial circumstances. The accounts are headed *Gisburn Forest Bikes Limited*; it is not clear whether they relate wholly to the bike business or include the other parts of the business. Whilst the cost of sales are itemised with *opening stock* and *bike shop* separately attributed there seems to be little reference to the public

- house or bed and breakfast aspects of the business. I note that the appellants have owned the pub since 2003. Financial records between 2003 and 2008 have not been made available, but the appellants state that customer numbers have fallen during the whole period of their ownership. They attribute this to the general decline in rural pubs due to the availability of cheap alcohol, drinking at home and the smoking ban.
23. A table of bar takings has also been provided for comparative weeks in February and August for three consecutive years from 2010. This also shows a marked decline in income, with both food and bar takings reducing by a substantial proportion each year from 2010 onwards.
24. The appellants suggest that other nearby facilities have competed with the public house, to its detriment. These are the Tosside Community Hall and the Crowtrees Inn, which is within a nearby caravan park. I am unconvinced on this matter; the Crowtrees Inn is signposted as open for non-residents, but is not visible from the public highway and is at a considerable distance along the private access road into the site, an approach which I saw is a deterrent to casual public use. It is clear that the community hall is well used; it is a modern purpose built facility with parking, which opened in 2004 (according to the appellant¹) and has space for groups of up to 200 and a smaller room for around 20. It is licensed and provides for functions and social clubs. Some of these occur during the day, others are regular evening events. However, overall it is usually used for limited hours in the week, amounting to around half the normal operating hours of a public house.
25. I have read numerous representations by local residents, other business operators (including those for the nearby campsite), the Parish Council and the Council that assert that the public house side of the business has been operated sporadically and inconsistently, to the extent that regular customers have been deterred, such that the community feels it has already lost a facility and the campsite operator is unable to recommend it to tourist guests. I appreciate that a lack of custom and declining profitability can result in the need to scale back provision; this can be a vicious circle. The Council has acknowledged the other facilities described above may draw some custom away, but suggests that in the context of the expanding tourism facilities at the Forest of Bowland nearby the public house business here could be promoted more successfully.
26. In terms of the potential loss of a community facility, public houses have long provided the central focus to village life and are highly valued for this community function especially in widely dispersed rural areas such as this. Their role is parallel but different to that of the village church and here they are located adjacent. The perceived loss of a pub such as this one, even where access would be provided to a relocated bar at the rear, is emotive.
27. There are persuasive arguments on both sides. I note that the appellants do not wish to close the business but to re-focus it. They have not sought to sell it as a business and as such there is no evidence of marketing – as required by the SPG. I have seen other public houses in the wider area that appear to be operating successfully in similarly rural locations. In the circumstances before me there is little apparent reason why the business could not be re-focussed as a small hotel with a public bar and access for non-residents to dining as

¹ According to the Council, 2009.

intended by the appellants, but within the main part of the listed building, without the harmful effect to its historic character that would result from the proposal. In business terms also, heritage assets such as this listed building are recognised to provide an added draw in particular for tourist facilities, which would be lost by pushing these to the rear of the main building.

28. Overall I conclude that the proposal would fail to preserve the special historic interest of the listed public house and would, consequently, to a small degree harm the character and appearance of the Forest of Bowland Area of Outstanding Natural Beauty. In the absence of a persuasive justification for the proposal to demonstrate that the listed building could not be operated on a financially viable basis, this consideration is sufficient in itself to justify dismissing the appeal. In addition, for the same reasons there is insufficient evidence to show that the loss of a substantial proportion of the commercial floor area within this tourism and community facility, which would harm the rural economy and the vitality of the local area, would be justified, contrary to development plan policies.
29. Taking these and all other matters raised into account, the appeal should be dismissed.

Wenda Fabian

Inspector

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