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## Appeal Decision

Hearing held on 30 March 2016

Site visit made on 30 March 2016

**by Nick Palmer BA (Hons) BPI MRTPI**

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

**Decision date: 26 April 2016**

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**Appeal Ref: APP/D2510/W/15/3139947**

**The New Plough, Main Road, Covenham St Bartholomew,  
Lincolnshire LN11 0PF**

- 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 Julian Bland against the decision of East Lindsey District Council.
  - The application Ref N/037/00948/15, dated 17 May 2015, was refused by notice dated 11 November 2015.
  - The development proposed is change of use, conversion of, extensions and alterations to existing public house and managers' accommodation to provide 3 number houses.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application as originally submitted included a new dwelling to the rear of the public house and that element was subsequently deleted from the proposal. The parties agreed at the Hearing that the description of development as given on the appeal form is correct and so I have used that description in the heading.

### Main Issue

3. The main issue in the appeal is the viability of the property as a public house in the long term.

### Reasons

#### *Viability*

4. The appeal property is a vacant former public house. The building dates from the late 19<sup>th</sup> century and is sideways on to the road facing its car park. It has a large single storey extension that previously provided a function room and restaurant. The property has been vacant since late 2014.
  5. There is no other public house in the village although there is a public house and restaurant ('The Mill House') to the north of the village. There are two churches and the Parish Room which I saw on my visit is of limited size. Other than those facilities there are no other community facilities, including any open space in the village.
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6. The Mill House is some distance away from the village and the road to that facility has no footpaths or street lighting which would deter pedestrian access. That facility is said to operate primarily as a restaurant rather than a public house. It does not accommodate local groups in the way that The New Plough did. It is evident that the appeal property provided a social facility of value to the local community. It provided a venue for social events and was used by local groups. The former managers (Mr and Mrs Bell) have stated that they built the business up over a three year period and local residents have attested to the popularity of the facility amongst the community. The public house also provided a destination food and drink facility for visitors.
7. The property is reasonably close to the urban area of Louth and is within attractive countryside close to the Lincolnshire Wolds. There is a reservoir nearby which provides a watersports facility and there is also a heritage railway. The route through the village is a popular cycling route. It is said that visitors to the attractions in the area used the public house when it was open.
8. The property was owned by Batemans Brewery and occupied by 7 tenants between 2003 and 2014. The parties agree that the building required investment in new windows and insulation in order to reduce running costs. The running costs may have affected profitability but there is no conclusive evidence to demonstrate that the level of investment required in the building would make its use as a public house unviable.
9. Accounts have been provided for the year ending March 2013 and for the 6 months up to September 2013. Those accounts show that the business was profitable albeit that the level of profit was modest. The accounts do not include remuneration for the managers but the former tenants say that their living expenses were covered in the business accounts. They increased profitability and did not say that they left because the business was unprofitable.
10. Following the notice given by Mr and Mrs Bell the property was advertised for sale and a temporary manager was in occupation until the property was sold to the appellant. Although profitability may have been a reason for the brewery deciding to dispose of the property there is no conclusive evidence in this regard. Interested parties consider that the property has potential to provide a number of community facilities as well as a public house. They have referred to possibilities such as incorporating facilities such as a village shop or café.
11. The Parish Council and a community group (the Covenham Jubilee Committee Steering Group) support the retention of the building as a public house and community facility. The community has been instrumental in securing the listing of the property as an Asset of Community Value. The Covenham Jubilee Committee intends to make a bid for the property and has this opportunity under the current moratorium period imposed under the Localism Act 2011. This is a clear indication that the community believes that a public house possibly combined with other community facilities would be viable.
12. The appellant is willing to sell the property to the community but believes that there would be difficulty in obtaining funding. The Lincolnshire Community and Voluntary Service has however advised that there are sources of funding available to assist with the purchase of the property for the community.

13. The marketing exercise that was undertaken by the brewery did not appear to generate any interest from public house operators. During the marketing period there was no community bid for the property because the community assumed that a public house operator would acquire it and did not realise that the public house was under threat. The asking price of £275,000 was considered by the Council's Corporate Asset Manager to be optimistic. The trading figures and the investment required in the building may indicate that the asking price should have been lower as does the sale price of £200,000.
14. National and local planning policies support the retention of community facilities. The National Planning Policy Framework (the Framework)<sup>1</sup> promotes the retention and development of such facilities in villages and guards against their unnecessary loss. Saved policy CF2 of the East Lindsey Local Plan Alteration (LP) (1999) also restricts the loss of community or social facilities unless they have been shown to be not necessary or viable in the long term.
15. The clear community support for retention of the public house and the absence of any comparable facility in the village are evidence of its necessity. I have taken into account the difficulties facing the public house trade in general. Although I acknowledge that there may have been difficulties in keeping the public house running there is no clear and convincing evidence to demonstrate that the facility is not viable in the long term. Indeed the level of community support provides confidence that the feasibility of a range of community uses would be explored in conjunction with the public house if the community acquired the property. For the reasons given the proposal would not accord with saved policy CF2 of the LP or with the Framework.

#### *Housing Land Supply and Sustainability*

16. The Council acknowledges that it does not have a five year supply of deliverable housing sites. At the Hearing the land supply was stated to be 3.75 years. Where there is no five year supply, paragraph 49 of the Framework states that housing supply policies should not be considered to be up to date. Paragraph 14 of the Framework states a presumption in favour of sustainable development and that where policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the Framework as a whole. The Framework encourages the re-use of redundant or disused buildings for housing.
17. The works to convert the building would generate short term employment and benefit the economy to some extent. However the loss of the public house as a local business must be balanced against this. Because I have found that there is no evidence to demonstrate that the public house is not viable the loss of this business would not meet the economic dimension of sustainable development.
18. In the context of the shortfall in housing supply, the proposed dwellings would be of some social benefit. Their location within the village would be generally supportive of the community. In these respects the proposal would accord with the social dimension of sustainable development. In the context of the housing supply shortage and the limited amount of dwellings proposed however the benefit in this regard would be limited.

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<sup>1</sup> Paragraphs 28 and 70

19. Having said this, the loss of the public house as a community facility would be harmful in terms of the social dimension and would weigh significantly against the social benefit. For these reasons the proposal would not accord with the social dimension.
20. The proposed alterations to the building would be limited in scale and would not alter its character significantly. There is no evidence of any harm to the character and appearance of the area, including to the settings of the nearby listed buildings. The re-use of the empty building for housing would accord with the environmental dimension by avoiding the use of new building materials.
21. The harm in terms of the loss of the public house as a community social facility would not accord with the Framework and I give significant weight to that harm. This would significantly and demonstrably outweigh the limited weight that I give to the benefit from the provision of the proposed houses. For these reasons, considered as a whole the proposal would not be a sustainable form of development.

*Other Matters*

22. I have taken into account all other matters raised including the concern that the site could become derelict if a use is not found. Those matters do not alter my conclusions on the main issue.

**Conclusion**

23. For the reasons given I conclude that the appeal should be dismissed.

*Nick Palmer*

INSPECTOR

**APPEARANCES**

FOR THE APPELLANT:

Julian Bland

Andrew Hey FRICS

Steven Brown

Designqube

FOR THE LOCAL PLANNING AUTHORITY:

Chris Panton MRICS MRTPI Dip Man

Planning Team Leader

Rachael Needham BA (Hons) Dip TP

Senior Planning Officer

INTERESTED PERSONS:

Ian Fazakerley

Covenham Jubilee Committee  
Steering Group

Terry Aldridge

Chairman, Covenham St  
Bartholomew & St Mary Parish  
Council

Marie Chapman

Trustee of Lincolnshire Wolds  
Railway and Senior Community  
Development Officer  
(Lincolnshire Community and  
Voluntary Service)

Barbara Salter

Local resident

Nicky Gulley

Local resident

Jack Washer

Local resident

Trish Overend-Carter

Local resident

Eileen Taylor-Jacklin

Local resident

Robert Thompson

Local resident

Janet Willy

Local resident

**DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Extract from draft Core Strategy
- 2 Report for Jubilee Committee Steering Group by Lincolnshire Community and Voluntary Service
- 3 Photographs of events at The New Plough