

North Yorkshire Council

Community Development Services

**Richmond (Yorks) Area Constituency Committee
11th April 2024**

ZB23/01932/FUL - Change of use from existing public house to dwelling

At: Horseshoe Inn, West Rounton, DL6 2LL

On behalf of: Mr. S. Taylor

Report of the Assistant Director Planning– Community Development services

1.0 PURPOSE OF THE REPORT

- 1.1 To determine an application for planning permission for a change of use from existing public house to dwelling.
- 1.2 This application is brought to the Planning Committee due to the level of local interest in the application. A concurrent listed building consent for the associated works to the listed building has been submitted and is also on the committee agenda (ref no. ZB23/01933/LBC).
- 1.3 It is recommended that planning permission be refused.

2.0 SUMMARY

RECOMMENDATION: That permission is **REFUSED**.

- 2.1 The application seeks planning permission for the change of use of the existing public house to a single dwelling. The only external alteration proposed to the building is to remove the modern advertisement signage above the entrance door on the principal elevation. In-curtilage parking and a garden area is proposed to the front of the property.
- 2.2 The Horseshoe Inn is registered as an Asset of Community Value (ACV) and there is a significant amount of activity by the community at present, pursuant to the purchase of the pub by the community.
- 2.3 It is considered that the ACV, when combined with the significant levels of activity to purchase the pub, should be given significant weight in the planning balance. The property has been on the market for the last year, but there had been little interest until the time of the submission of this application.
- 2.4 Policy IC4 of the Hambleton Local Plan seeks to protect existing uses which are in community use and states: A proposal that would result in the loss of premises or land currently or last in community use will not be supported unless it can be demonstrated that:
 - a. prior to the commencement of development a satisfactory replacement facility will be provided in a suitably accessible location for the catchment area or the community served;

- b. the existing use is no longer financially or operationally viable and there is no reasonable prospect of securing a viable satisfactory alternative community use;
- c. the continued use of the site for community purposes would conflict with other planning policies; or
- d. the loss of the community facility is integral to a strategic proposal to improve community services within the locality.

2.5 It is considered the policy position, combined with weight from the Asset of Community Value results in a recommendation for refusal.

ZB23/01932/FUL & ZB23/01933/LBC

02/04/2024



NORTH YORKSHIRE COUNCIL
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3.0 PRELIMINARY MATTERS

3.1 Access to the case file on Public Access can be found here:-

[Documents for ZB23/01932/FUL](#)

3.2 The following applications related to the application site are detailed below:

80/1557/LBC - Application for Listed Building Consent For The Re-Rendering And Colouring Of Front Elevation Of Existing Public House. Approved. 24.07.1980

82/0676/FUL - Extension to Existing Public House to provide Increased Living Accommodation. Approved. 26.08.1982

2/89/169/0024C - Application for Listed Building Consent for alterations to existing public house. Approved. 05.05.1989

2/92/169/0024F - Extension to existing public house and living accommodation. Approved. 27.08.1992

2/92/169/0024G - Application for Listed Building Consent for an extension to existing public house and living accommodation. Approved. 27.08.1992

10/00748/LBC and 10/00747/FUL. Single storey extension to existing pub, installation of 3 roof lights and 2 replacement windows, alterations to outbuildings, alterations to form a self contained flat and formation of a car park as amended by email and plan received on 10 June 2010. Approved. 11.06.2010

11/02305/FUL - Demolition of existing outbuilding and construction of a dwelling. Refused. 02.03.2012

11/02716/LBC - Application for listed building consent for demolition of existing outbuilding and construction of a dwelling. Refused. 02.03.2012

13/00717/FUL - Alterations to existing outbuildings to form ancillary manager's accommodation for existing public house as amended by plan received by Hambleton District Council on 25 June 2013. Approved. 25.09.2013

13/00718/LBC - Application for listed building consent for alterations to existing outbuildings to form manager's accommodation for existing public house as amended by plan received by Hambleton District Council on 25 June 2013. Approved. 25.09.2013

14/00680/FUL - Construction of ancillary manager's accommodation as amended by plan received by Hambleton District Council on 14 May 2014. Approved. 30.05.2014

21/02474/MRC - Removal of condition of previously approved planning application reference Number: 14/00680/FUL - Construction of ancillary manager's accommodation - remove occupancy condition. Approved. 13.01.2022

21/02479/LBC - Retrospective listed building consent sought for internal alterations to return the first floor function room to its original use as manager/staff accommodation. Approved. 13.01.2022

ZB23/01933/LBC – Associated works for the conversion of the listed building. Concurrent application pending consideration. Not decided.

4.0 SITE AND SURROUNDINGS

- 4.1 The Horseshoe Public house is a Grade II listed building located on the east side of the main highway through the village of West Rounton. The building forms part of a short two storey terrace of three properties with the two properties to the north in residential use. The properties have rendered facades with pitched pantile roofs and are set back from the highway by c.10m. The frontage to the Horseshoe Public House is open and comprises a tarmac area used for parking and informal outdoor seating whilst to the north the residential properties have garden defined by fencing and hedges. To the rear are two small single storey stone outbuildings used as storage, together with an oil tank.
- 4.2 Immediately to the south-west is a single storey former managers accommodation that sits immediately adjacent to the highway. This is constructed in a variety of brickwork and stone, under pitched pantile roofs. This building received planning permission to remove the occupancy condition to allow for use as an open market dwelling as separate planning unit (ref no. 21/02474/MRC). The remainder of the context is defined by a variety of historic and modern residential properties situated in the village.
- 4.3 The submitted statements suggest the building was previously two separate dwellings with the dividing wall removed at ground floor level to provide a larger space at an unknown date. The public house is understood to have been operational since the c.19th century. As noted above in the planning history the building has been the subject of numerous applications in the latter half of the twentieth and into the early twenty-first centuries. Given the numerous modern interventions at ground floor level to provide bar, counters, kitchen area, storage and W/C facilities associated with the current use, the heritage internal interest is limited to the staircase, two fireplaces and the existing entrance door. On this basis the heritage value of the site relates to its historical use and limited architectural interest as a small village public house.
- Business use
- 4.4 The submitted statements note that the applicant purchased the public house in 2009 and began trading in 2010 with an occasional food offer. From 2016 tenants operated the business and offered a greater food offering. Unfortunately, this ended in the 2020 Covid lockdown when the tenants surrendered their lease. The business was operated for a short period after the end of the lockdown restrictions in 2021 but by the end of 2022 it was decided to close the public house due to limited trade. During this period the function room at first floor level was amended back to managers accommodation and the separate managers accommodation had its occupancy condition removed to allow for use as an open market dwelling as noted in the planning history in section 3 above. The public house now opens on an informal ad hoc basis via a messaging group and this approach continues to the present day.
- 4.5 Since January 2023 the property has been marketed through Sidney Phillips and Company and numerous property websites. The property was marketed at £375,000 and subsequently reduced to £300,000. A marketing report illustrates a significant number of hits on the web advert but no viewing appointments or any offers.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 This application seeks permission for the change of use of the public house to residential use. Given the property is Grade II listed a concurrent listed building consent application for ground floor alterations is also pending consideration.
- 5.2 During the course of the application the proposals to remove the existing outbuildings was omitted from the proposal and are now to be retained. Furthermore, an updated site layout has been provided to illustrate off-street parking and a small garden area to the front of the property.

- 5.3 In addition, the local community has successfully listed the Public House as an Asset of Community Value (ACV) in March 2024.

6.0 PLANNING POLICY AND GUIDANCE

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:

Hambleton Local Plan, February 2022, and
North Yorkshire Joint Waste and Minerals Plan, February 2022.

Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is listed below. It is considered to carry no weight due to the current early stage of plan preparation.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2023 (NPPF)
- National Planning Practice Guidance (PPG)
- National Design Guide 2021 (NDG)

7.0 CONSULTATION RESPONSES

- 7.1. The following consultation responses have been received and are summarised below:

- 7.2 West Rounton Parish Council: Object as summarised below:

- The loss of the Pub will be a great loss to the community.
- There is a local community interest group actively looking at ways the pub could be made more economically viable and improve its integration into the local fabric of the community.
- The local community interest group organized a meeting in the village hall and was well attended with between 35 to 40 people present.
- The Parish Council has submitted an application for the pub to be registered as an Asset of Community Value.
- Finally it should be noted that the Parish councillors have individually put forward their objections.

- 7.3 The Council for British Archaeology: No response received (expired 27.10.2023).

- 7.4 Historic England: In this case we are not offering advice suggest that you seek the views of your specialist conservation and archaeological advisers.

- 7.5 Natural England: No response received (expired 27.10.2023).

- 7.6 Yorkshire Wildlife Trust: No response received (expired 27.10.2023).

- 7.7 Yorkshire Water: No response received (expired 27.10.2023).

7.8 Highways: No objection.

Local Representations

7.9 A signed petition of 36 people and total of 17 individual local representations have been received in total on this listed building consent application. A summary of the comments is provided below, however, please see Public Access for full comments:

Petition

- Notes it is a place of historic value, it was built in circa 1860 and has served as the village pub since that time
- It is a Grade II listed building
- It is an asset of community value as it serves not only as a village pub but a place to meet for social gatherings and social well-being
- It's a great place for families to meet up and the children in the community to interact.
- And it could be so much more.

Third party objections

- Concern regarding the loss of the only pub/community asset in the village.
- The recent loss of other local public houses such as the Station Inn at Picton and Shorthorn in Appleton Wiske would be a real loss to the wider community to lose another local public house especially one with such history.
- Unclear from the documents submitted as to the façade would be treated in any conversion.
- The value of the pub to the community extends way beyond its historic interest.
- Need to allow time for further investigation by the village community to consider whether it could be purchased by the community (with grants) or whether more intensive advertising could be employed to find a suitable buyer or tenant.
- Request that any decision is put on hold until the community have had time to explore various means of keeping the pub open.
- Since refurbishing and reopening the Horseshoe Inn, circa 2010, the current owners and their family succeeded in establishing a family friendly environment for people to meet up. Subsequent tenants were able to build on this success.
- The pub regularly received writeups in the local press and awards for good food and as a friendly village pub. We need to continue to build on this success and keep this as a Community Hub.

Rowntons Community Interest Group

- Planning Applications B23/01933/LBC and ZB23/01932/FUL should be refused as there remains a need.
- The community wishes to purchase the pub and extend its use as a Community Hub working with other ACVs.
- The significance of the building as a statutorily listed heritage asset is directly linked to its use as a pub.

A. Planning objection submission - key actions include;

- The Horseshoe Inn is a Grade II listed pub and was listed by Historic England on the 30th of March 1970 due to its special architectural and historical interest.
- A Public Meeting was held on 15th November 2023 following advertisement of a planning notice of intended change of use by the Council. The Community had no prior knowledge the owner intended to change the use of the pub. There was overwhelming support to lodge a community petition to object to the

change of use and explore ways to buy the grade II listed pub and extend its use to a community hub. Approximately 50 people attended.

- A petition letter was sent to NYC planning department on 17th Nov 2023 with 36 signatures and a further 20 objections were made online.
- At the first public meeting we invited the community to register and to be kept updated with progress. We set up an email address RountonsCIG@outlook.com to establish regular communications with the Rountons communities in addition to corresponding by hand with those not on email.
- A full objection document was submitted on 19th January 2024 to NYC planning providing a challenge to incorrect assertions made by the owner. We were asked by planning to provide an additional two-page summary of our objections which we did on the 25th of January 2023.
- We undertook a community survey with all the Rountons communities to assess the need for the pub and a wider concept of a community hub.
- A second Public Meeting was held on 24th January 2024 to update the community on progress and included feedback from the survey and the launch of our community pledges/share offer to buy the pub. Over 50 people attended, with apologies from a further 12 who are in support of our campaign.
- The community support has significantly grown through the commitment of community pledges which now total over £55,000. We have a dedicated officer dealing with all pledges and shares.
- The public meeting information was sent to the planning department on 23rd January 2024 which also included results of a wider community survey evidencing support to save the pub and to form a wider community hub.
- We have updated the overall analysis of the community survey responses we have received, which confirms the overwhelming support and need for the pub and the development of a wider community hub. (attached at Appendix 2). We also have support from all the surrounding villages and further afield.
- We have kept our Local Ward Councillor aware of developments throughout our campaign.
- We had previously been informed the planning committee hearing would be held on 8th February 2024 and then on 14th March 2024 however no officer recommendation had been made ahead of these dates which were subsequently postponed.
- A planning site visit of the pub took place on the 5th of February 2024 as a fact-finding exercise and there was no recommendation by the officer who attended for the committee at the point of visit.
- We have made fact finding visits to other pubs to gain trading information since none had been provided by the owner until only very recently. The Planning department received trading information from the owner on 7th February but did not make it public on the portal until after 23rd February following the RCIG's insistence to make this available for us to read and comment upon.
- Upon looking at this new trading information it is clear these are only partial trading figures 2023 and do not cover the full extent of the trading period. Previously the applicant's Estate Agents Sydney Phillips had informed us no trading information was available.
- We dispute this recent publication of trading information by the owner since these figures only relate to a very short period in 2023 when the pub was open on an ad hoc basis twice a month and in our opinion carries no weight to a planning decision.
- We have produced and already submitted an accurate timeline of trading activity of the pub from July 2020 –2024 in our submission on the 19th of January 2024.

- In our full objection document submitted on the 19th of January 2024 we included reference to the research we have carried out via the CAMRA website showing the current success of community pubs overall.
- We have requested to meet with the applicant on 4 separate occasions to try and buy the pub. He has declined our offer to meet, and he has not changed his position as evidenced previously on the planning portal.
- We have also tried to arrange to have an independent evaluation and survey undertaken of the pub to enable us to submit an offer to buy the pub which has also been declined.
- The marketing information which has been provided by the applicant also adds little weight. Other comparable information from Estate Agents regarding pubs for sale clearly shows the pub is currently overvalued which planning must be fully aware of.
- North Yorkshire Council had registered the Horseshoe Inn as an Asset of Community Value on the 8th of January 2024 following an application by the Parish Council. The owner's appeal was refused on the 1st of March 2024.
- The Parish Council was notified by North Yorkshire Council of the results of the ACV appeal on 14th of March 2024 and informed on the 19th of March 2024 that the owner has expressed an interest to sell the pub.
- On the 29th of March 2024 we have written separately to the Communities Team in North Yorkshire Council informing them of our intention to be treated as a potential bidder to buy the pub.
- We will attend the Planning Committee meeting on the 11th of April and make our representation to the Committee.

B. Research and Progress in Purchasing the Pub as a Community Hub – Key actions include;

- The Rountons Community Interest Group was formed in October 23 and meets weekly.
- Visits have been made to successfully run Community Pubs in George and Dragon in Hudswell and The Travellers Rest in Skeeby to gain knowledge of their experiences. They are also providing group buddy/peer support on key areas of development.
- We have applied to become registered as a Community Benefit Society, our incorporated name will be Rountons Community Hub Limited and regulated by the Financial Conduct Authority
- We have received formal confirmation by the government we meet the criteria to apply for the governments Community Ownership Fund for match funding and preparing for full funding.
- We are members of The Plunkett Foundation, and they are supporting us with our Community Ownership full funding application (COF).
- We have raised over £55,000 in community pledges to use as match funding when applying for the COF and have offers from the community to extend pledge offers to meet the match funding required which is 20%.
- We have the support of local businesses and landowners.
- Our Business Plan is under development, and we have already in place a vision and priorities for the pub and extended community hub for the next 5 years. This was produced with the community following their feedback. (attached at Appendix 3)
- As detailed in our vision document we are reaching out to other organisations to create partnerships and extent our outreach community offer. This has already been supported by East Rounton Village Hall committee.
- We have undertaken demographic population research of the Rountons villages and the wider catchment areas to understand households and a potential

customer base. This research was previously provided in our detailed submission on the 19th of January 2024.

- We have in place a range of communication channels to update the community including email, leaflet drops and hand delivery letters and recently developed a website.
- Our campaign to save the pub has been covered by both Northern Echo/D&S Times throughout our campaign.
- The Rt Hon Prime Minister has sent us a letter wishing us well in our campaign.

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

- 8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 MAIN ISSUES

- 9.1. The key considerations in the assessment of this planning application are:
- Principle
 - Loss of a community facility
 - Asset of community value
 - Amenity
 - Highways
 - Heritage

10.0 ASSESSMENT

Principle

- 10.1 The Hambleton Local Plan (referred to as the 'Local Plan') includes a series of 'strategic policies' that sets strategic targets and directs the distribution of future development within the plan area to meet the identified housing and employment needs for the plan period (2014-2036). Policy S2 (Strategic Development) states that housing provision within the 22 year plan period (2014-2036) of the Local Plan will be at least 6,615 (net) new homes, made up of both market and affordable units. This equates to approximately 315 homes per year within the plan area.
- 10.2 Policy S3 (Spatial Distribution) sets out the Local Plan's strategy for the focus and spatial distribution of development across the plan area. The policy includes a settlement hierarchy of designated Market Towns, Service Villages', 'Secondary Villages' and 'Small Villages, with the main focus of housing growth being in the Plan Area's Market Towns.
- 10.3 Policy S2 (Strategic Priorities and Requirements) confirms that the housing strategy, including the aforementioned housing targets set out in Policy S1, will be achieved through development that has already happened, existing commitments (i.e. extant planning permissions) and a series of allocated sites. These housing targets are not intended to be a ceiling to additional development, and the Local Plan also makes provision for additional housing development through entry-level and rural exception schemes (Policy HG4) as well as 'windfall' housing sites (Policy HG5) to come forward within the plan period on sites either within and/or adjacent to the 'existing built form' of certain 'defined settlements' within the settlement hierarchy contained in Policy S3.
- 10.4 Policy S5 (Development in the Countryside) states that any land outside the 'existing built form' of a defined settlement as well as any villages, hamlets or groups of buildings not specifically listed within the settlement hierarchy are to be considered as being part of the countryside. Policy S5 defines the 'existing built form' as, 'the closely grouped and visually

well related buildings of the main part of the settlement and land closely associated with them', further clarifying that the built form excludes five specific scenarios.

- 10.5 West Rounton is designated within the settlement hierarchy of Policy S3 as a Secondary Village. Criterion c. of Policy S3 supports growth in Service Villages that is commensurate with the settlement's size, character and concentration of services/facilities.
- 10.6 Policy HG5 supports so-called 'windfall' housing development on unallocated sites within specific defined settlements (including 'Secondary Villages') in two general scenarios:
 (1) on sites within the 'built form' of a defined settlement, and
 (2) on sites adjacent to the built form of designated Service, Secondary and Small Villages.
- 10.7 With regard to the provision of a dwelling, given the location within the built form of the secondary village this accords with the spatial distribution requirements of Local Plan policy S3 and definition of the built form contained within Local Plan Policy S5. On this basis windfall housing within the built form of defined settlements can be supported where the site is not protected for its environmental, historic, community or other value, or allocated, designated or otherwise safeguarded for another type of development. On this basis and subject to compliance with other relevant Local Plan policies the proposal for residential use in this location in the village is considered to be acceptable in principle. However, it should be noted that the proposals are not wholly compliant with Policy S3 owing to the loss of the community use. Matters relating to the loss of community use is referenced in the paragraphs below.
- Loss of a community facility
- 10.8 Local Plan policy IC4 seeks the protection of existing community facilities and will not support proposals for their loss unless it can be demonstrated that either; a satisfactory replacement facility will be provided; the existing use is no longer financially or operationally viable and there is no reasonable prospect of securing a viable satisfactory alternative community use; the continued use of the site for community purposes would conflict with other planning policies; or the loss of the community facility is integral to a strategic proposal to improve community services within the locality.
- 10.9 The issue at hand relates to the viability of the public house. The recent history of the public house described in section 4 notes that the applicant and previous tenants who ran the business prior to the COVID lockdowns in 2020 and 2021 operated successfully but no accounts are available and as such the turnover and profit from this time, is not clear. Only little weight can be given to this evidence. Since the end of lockdown restrictions and due to the impact on the hospitality trade together with the increase in energy costs, the applicant considers the business unviable with limited trade and ultimately the premises effectively closed at the end of 2022, although the premises currently operates on an informal ad-hoc basis to the present day. Whilst full accounts are not available limited financial details of the last years trading figures (excluding rent or employee payments) have been submitted. The property has been marketed since January 2023 and no interest has been received through the agent. Given the location, the very modest size of the public house and its associated outdoor space it is evident that the property is not attractive to the current market. It is noted that the local community group has submitted information to counter the applicant's claim regarding the viability of the business and recent financial information.
- 10.10 In the view of officers, the applicant has provided only limited evidence relating to the recent trading history of the premises and has provided evidence of the recent marketing of the property. It is noted that the premises has recently been designated as an Asset of Community Value and the activity of the community pursuant to the purchase of the public house is a significant factor. (see paragraph 10.11 below). On this basis there is a prospect of securing a continued use as a public house. Given the circumstances it is

considered the proposal has not demonstrated compliance with Local Plan policy IC4 or the community element of policy S3.

Asset of Community Value

- 10.11 Following the submission of the application, the local community group sought to list the public house as an asset of community value. This application has been successful although it is understood the applicant appealed unsuccessfully against the designation. In addition, the community group has applied to the Government's Community Ownership Fund available to rural communities in a bid to purchase the pub.
- 10.12 In February 2024 the community group had achieved 50% of its initial £50,000 target through pledges
- 10.13 Officers consider that the application of the Asset of Community Value, combined with the level of activity by the Community, toward the purchase and running of the pub, should be given significant weight in the planning balance.

Amenity

- 10.14 Policy E2 (Amenity) of the Local Plan expects all proposals to maintain a high standard of amenity for all users/occupiers as well as for occupiers/users of neighbouring land and buildings, particularly those in residential use. This is echoed in criterion c. of Policy E1 which requires proposals to achieve a satisfactory relationship with adjacent development and not to have an unacceptable impact on the amenities or safety of future occupiers, for users and occupiers of neighbouring land and buildings or the wider area or creating other environmental or safety concerns. In order to achieve this 'high standard of amenity', E2 states that proposals will be required to ensure:
- an adequate availability of daylight/sunlight without suffering from the significant effects of overshadowing and need for artificial light (criterion a.);
 - physical relationships that are not oppressive or overbearing and will not result in overlooking causing loss of privacy (criterion b.);
 - no significant adverse impacts in terms of noise...(criterion c.);
 - that adverse impacts from various sources (i.e. dust, obtrusive light and odour) are made acceptable (criterion d.);
 - the provision of adequate and convenient storage and collection of waste/recycling (criterion e.);
 - the provision of adequate and convenient private external amenity space (criterion g.)
- 10.15 Given the surrounding residential context it is considered that a proposal for residential use would not adversely impact upon the surrounding uses. Indeed, the change from a commercial use with parking area is considered to be a marginal improvement due to reduction in noise and disturbance associated with a commercial use. The change to residential use would not raise any overlooking concerns and the proposed garden to the front together with the existing yard area would provide sufficient amenity space for the size of the property. On this basis the proposal would satisfy the requirements of Local Plan policy E2.

Highways

- 10.16 Policy IC2 (Transport and Accessibility) states that the Council will seek to secure a safe and efficient transport system...accessible to all and that supports a sustainable pattern of development. As such, development will only be supported where it is demonstrated (amongst other less relevant considerations) that:

- the development is located where it can be satisfactorily accommodated on the highway network, including where it can be well integrated with footpaths, cycle networks and public transport (criterion a.);
- highway safety would not be compromised and that safe physical access to be provided to the proposed development from footpath and highway networks (criterion e.)
- adequate provision for servicing and emergency access is to be incorporated (criterion f.), and
- appropriate provision for parking is incorporated...(criterion g.)

10.17 The highways team raise no concerns given the existing use of the area to the front of the property for parking. Officers consider the change to provide part of the frontage as garden area would not impact on parking provision (two parking spaces) and therefore the proposal raises no highways concern and would therefore accord with Local Plan policy IC2.

10.18 The Highways team has been re-consulted on the amended site layout to show parking to the front and raise no concerns. The proposal is therefore considered to comply with Local Plan policy IC2.

Heritage

10.19 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.20 The National Planning Policy Framework requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building. Any harm identified must be given great weight in the determination of the application.

10.21 Physical changes to the fabric are largely dealt with through the concurrent application for listed building consent. With regard to the loss of the historic use as a public house, this would inevitably result in an impact upon the identified heritage significance. In accordance with paragraph 208 of the National Planning Policy Framework the impact is considered to cause less than substantial harm and therefore the public benefits of the proposal need to outweigh the harm for planning permission to be granted.

10.22 The site was historically in residential use. However, the pub has been a cultural focus within the village for a significant proportion of its life. The loss of the use and its impact on the cultural significance of the building must be assessed. It is considered that the proposed conversion back to a residential use could secure the continued use of the building to provide sufficient public benefit to outweigh the identified harm. However, given the extent of community activity, there is a realistic prospect that the public house function could be retained which would result in no harm to the significance. On this basis, the proposal is not considered to provide sufficient public benefit to outweigh the identified harm.

11.0 PLANNING BALANCE AND CONCLUSION

11.1. The National Planning Policy Framework requires the local planning authority to carry out a direct balance between harm to heritage assets and public benefit. The proposal would involve change of the use of the site. It has been established that the harm to the significance of the listed building is considered to amount to less than substantial harm. It is clear that any harm must be given great weight and importance in the planning balance

when considering whether or not the public benefits of the scheme reasonably offset that harm.

- 11.2 Given that there is an opportunity to bring the pub into community ownership, the proposed change of use is not considered to weigh in favour of the proposals, in the planning balance. It is considered that the less than substantial harm that would be caused to the significance of the heritage asset would not be outweighed by public benefit and as such the proposed development is not considered to meet the requirements of the National Planning Policy Framework or policy E5 of the Local Plan.
- 11.3 The designation as an Asset of Community Value, combined with the activities of the community, pursuant to the purchase of the pub, is considered to weigh significantly against the proposed change of use. It is considered that there is an opportunity for the pub to be purchased and run by the community. The loss of the public house is also considered to represent a breach of policy S3 and policy IC4 of the Local Plan.
- 11.4 In conclusion, it is considered that the change of use of the pub has not been sufficiently justified at this time and as such the application is recommended for refusal.

12.0 RECOMMENDATION:

That planning permission is **REFUSED** for the reasons set out below:

1. The proposal would result in the loss of a community facility and would therefore fail the requirements of Local Plan policy IC4 and Policy S3.
2. The proposal would result in less than substantial harm to the Grade II listed building through the proposed loss of the public house. No public benefit can be identified and as such the proposed development would fail the requirements of Local Plan Policy E5 and section 16 of the NPPF.

Target Determination Date: 12.02.2024

Case Officer: Marc Pearson marc.pearson@northyorks.gov.uk