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## Appeal Decision

Site visit made on 30 July 2019

by **Matthew Woodward BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20<sup>th</sup> August 2019

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**Appeal Ref: APP/N2535/W/19/3229612**

**Crown Inn, Main Street, Osgodby, Market Rasen, LN8 3TA**

- 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 and Mrs Heavens against the decision of West Lindsey District Council.
  - The application Ref 138946, dated 24 January 2019, was refused by notice dated 5 April 2019.
  - The development proposed is described as 'change of use from class A4 (public house) with first floor accommodation to a 3 bedroom residential dwelling house. This will involve the construction of stud walling to separate the bar area into two rooms, along with the installation of a kitchen in the snooker room area. Removal of the existing toilets to give space for a study.'
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have omitted part of the appellant's description of development from the banner heading above, which is taken from the application form, as part of it does not describe the development proposed.
3. The Osgodby Neighbourhood Plan 2019 was made following the submission of this appeal and now forms part of the development plan. Both main parties are aware of its existence. I have determined the appeal on this basis.

### Main Issue

4. The main issue is whether the proposed change of use would result in the unacceptable loss of a community facility and employment site having regard to local and neighbourhood plan policies.

### Reasons

5. The Crown Inn public house is situated along a main road in the village of Osgodby, which is a linear settlement set in rural surroundings. The appeal building has not operated as a public house since the latter part of 2016.
6. Policy LP15 of the Central Lincolnshire Local Plan 2012-2036 (2017) (the Local Plan) seeks to protect community facilities to ensure that existing settlements are well integrated and inclusive. The policy states that the loss of community facilities to non-community facility uses will only be permitted if the facility is no longer fit for purpose and not viable, or appropriate alternatives exists close

by, or the proposal includes appropriate new community facilities elsewhere. This is partly reflected in Policy 8 of the Osgodby Neighbourhood Plan 2019 (the Neighbourhood Plan), which also requires that the property has been advertised on the market for a period of at least 12 months, at a competitive price, without success. Policy 5 of the Neighbourhood Plan seeks to protect existing employment sites unless, as above, it can be demonstrated that the use is unviable.

7. Up until January 2019, the Crown Inn was listed as an Asset of Community Value (ACV). Despite it no longer being listed as an ACV, and even though the Neighbourhood Plan acknowledges that the public house is 'currently closed', it is nevertheless listed within it as an important community facility. I do not know why the community did not purchase the site despite having opportunity to do so under a 'Community Right to Bid', but this in itself does not preclude the value of the appeal site as a community facility.
8. There are a limited number of other community facilities in Osgodby, including a post office and village hall. However, none of the existing facilities offer social and local community benefits comparable with a functioning public house, which would be a place for people to meet, drink and socialise, particularly during evenings and on weekends. There are no other public houses close to the village, the nearest lie within surrounding settlements which are beyond reasonable walking distance of Osgodby. The Neighbourhood Plan describes the Crown Inn as a 'valued gathering point' and, given the location of the appeal site in the heart of Osgodby, I find that it is well positioned to serve residents of the village. Consequently, I also find that the appeal building comprises an important community facility, despite its current vacant state. Furthermore, a fully functioning public house would also be likely to offer limited employment opportunities for local people.
9. The Crown Inn ceased trading in 2016. As the then owner has since deceased, there is no documentary evidence or accounts relating to the time that the public house was operating. Instead, the appellant has provided me with a copy of property valuation information, which states that the turnover of the Crown Inn was £35,000. The turnover information appears to have been provided to the Valuation Office Agency during the previous landlord's tenure, based on accounts spanning three years, and used in order to calculate the business rates. The appellant has used the turnover estimate to project the net profit/loss of the business if it was to continue to be used as a public house, taking into account the average gross margin for drinks sales, along with other assumed expenses and rates. Based on this, the appellant projects that the business would operate at a net loss of £422 per annum, making it unviable.
10. The figures themselves are not disputed by the Council. However, third party evidence suggests that the public house was not operating at full capacity, and at times was only open for part of the weekend or by request during the week, particularly during the latter months of the landlord's tenure. I do not know whether these restricted hours were based on a declining customer base, or whether the previous landlord sought to maximise the potential of the business. The appellant has not clarified the basis on which the figures they have put to me have been calculated. The lack of evidence provided by the appellant does not give me the assurance necessary to demonstrate that the

future use of the building as a public house would not be viable, nor that it is no longer capable of providing an acceptable location for the current use.

11. Internally, the building lacks many of the fixtures and fittings required to use it as a public house. It was clear from my site visit that comprehensive improvements and refurbishment would be required. The exterior of the building and the grounds surrounding it also appeared rather tired and neglected. The totality of works required to bring the appeal site back into use as a public house are likely to result in significant expense. However, no information has been provided to me relating to the costs of such works. Furthermore, I do not know whether any such refurbishments would offer an opportunity to diversify and/or expand the business to provide food, accommodation, or other services, in order to increase income streams. Given the policy presumption against the loss of this community facility, I would expect a range of options to ensure the appeal property could operate as a community facility to have been explored and considered.
12. According to the appellant, the Crown Inn was put up for auction in 2016 but was then sold privately in 2017. The property was subsequently re-marketed as 'the former Crown Inn' in December 2017, before being purchased by the appellant in 2018. It appears to have been on the market in excess of 12 months. However, I am unclear whether the recent purchase price reasonably reflects the condition of the building and its current use class, so I do not know if that may have affected the viability of the business moving forwards. A lack of interest in operating the public house as a going concern during the period it was on the market is not sufficient in itself to demonstrate that continued use of it would not be viable.
13. In conclusion, the proposed change of use would result in the unacceptable loss of a community facility and employment site. The development would conflict with Policy LP15 of the Local Plan and Policies 5 and 8 of the Neighbourhood Plan as it has not been demonstrated that the continued use of the Crown Inn as a public house would not be viable, resulting in the loss of a valued community facility which would generate local employment opportunities. The proposal does not include alternative provision elsewhere, and no appropriate alternatives exist elsewhere locally. The development would fail to address the requirements of paragraph 92 of the National Planning Policy Framework which seeks to guard against the unnecessary loss of valued facilities.

#### **Other Matter**

14. The conversion and renovation of the appeal building to a single residential unit would result in visual improvements. However, the positive contribution the building would make to the character and appearance of the area would not compensate for the harm I have identified.

#### **Conclusion**

15. I therefore conclude that, for the reasons given, the appeal is dismissed.

*Matthew Woodward*

INSPECTOR