

Officers Report

Planning Application No: 146936

PROPOSAL: Planning application for change of use from former public house to form 1 no. dwelling with studio workspace & attached annexe, including additional self-contained annexe to be used as holiday accommodation. resubmission of 145652

LOCATION: Queens Head Station Road North Kelsey Moor Market
Rasen LN7 6HD

WARD: Kelsey

Ward Member: Cllr P Morris

TARGET DECISION DATE: 18/08/2023

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Joanne Sizer

RECOMMENDED DECISION: Grant subject to conditions.

This application has been referred to the Planning Committee because principle matters are considered to be finely balanced.

Description: The site is the Queens Head Public House, located at North Kelsey Moor. The public house (a “sui generis” use) is a traditional two-storey double fronted detached building which has been extended to the side and rear to create a restaurant and an accommodation block. There is private accommodation at the first floor level of the public house and a carpark/garden to the rear. The site is adjoined by residential properties to the north and east, Owmbly Lane adjoins the western boundary with properties beyond and Station Road adjoins the southern boundary with properties on the opposite side.

The site lies entirely within flood zone 2, an area with a medium probability of flooding. It partially lies within an area identified to be at low risk from Surface water flooding but there are immediately surrounding areas which are at high risk of surface water flooding.

This application seeks planning permission to change the use of the existing public house to one residential dwelling an ancillary residential annexe and Holiday let (use class C3). The change of use and associated conversion works includes the erection of a first floor extension as well as internal and external alterations.

It follows the refusal of application 145652 in November 2022. This application sought planning permission for the change of use from former public house to form 1 no. dwelling with workspace with 2 no. attached annexes including first floor extension and other internal and external alterations. The reasons for refusal are set out in the relevant history section of this report.

Relevant history:

W72/228/84 - Extend public house and living accommodation over. Granted 03/05/84.

W72/653/89 - Extend public house. Granted 17/07/89.

W72/10/94 - Planning application to erect a single storey extension to existing public house and change the use of store to dining/function room. Granted 10/03/94.

98/P/0759 - Planning application to extend chalet bedrooms. Granted 03/11/98.

98/P/0808 - Consent to display independent sign on post. Granted 03/11/98.

M02/P/1048 - extend kitchen and form letting units with private accommodation. Granted 17/04/03.

M04/P/0878 - to erect extension to kitchen and form letting units with private accommodation above (amendment to m02/p/1048). Granted 01/11/04.

145652 - Planning application for change of use from former public house to form 1no. dwelling with workspace with 2no. attached annexes including first floor extension and other internal and external alterations. – Refused November 2022 for the following reasons:

- 1. Insufficient information has been submitted to show that the public house is no longer fit for purpose or that the site is not viable for re-development of a new community facility. Furthermore, no evidence has been provided that the public house as a community facility is being met by alternative provisions. The proposal does not include the provision of a new community facility and consequently proposed development is contrary to policy LP15 of the Central Lincolnshire Local Plan.*
- 2. The application has not been submitted with comprehensive and proportionate evidence to justify that the building can no longer be used for the purpose for which it was originally built, or last used for, or that there is no demand for the use of the building for business purposes. No evidence has also been provided to justify the extent of the alterations and extensions proposed and they are consequently considered to go beyond minimal works and include new openings and additional features contrary to the provisions of Part A of Policy LP55 of the CLLP and associated guidance within the NPPF.*
- 3. The application site is located within Flood Zone 2 and no Flood Risk Assessment has been submitted with the application. The development cannot therefore demonstrate that the risk of flooding can be adequately managed over the lifetime of the development, taking into account the vulnerability of its users, without increasing the risk elsewhere. Therefore, the proposed development does not accord with Policy LP14 of the CLLP and associated guidance within the NPPF.*

4. The application has not been submitted with adequate information to assess and conclude that the proposed change of use and the associated alterations and extensions are of an appropriate size, scale and design to respect the character and appearance of the Queens Head as a non-designated heritage asset and its contribution to the area. The application does not provide details to prove that the development is compatible with the fabric of the building or that it will sustain or enhance architectural features that contribute to its special interest and historical significance and would demonstrably assist in the maintenance or enhancement of it. Therefore, the proposals are contrary to policies LP17, LP25 and LP26 of the Local Plan and associated guidance within the NPPF.

Representations:

Ward member(s): None received to date.

North Kelsey Parish Council: No objections to the application and support the proposal.

Local residents raising concerns and/or objections:

- Langmead, Owmbly Lane North Kelsey Moor.
- Sherwood House, Owmbly Lane, North Kelsey Moor
- Moor Lodge Owmbly Lane North Kelsey Moor
- Moor Farm, Owmbly Lane North Kelsey Moor
- Bannovallum, Station Road North Kelsey Moor
- Cornerways, Owmbly Lane, North Kelsey Moor

Summary of the matters raised:

- The residents of North Kelsey Moor have not been approached/consulted by the applicant to discuss the matter of this application and loss of the public house.
- No effort has been made by the applicant to reinstate the building as a public house or other community facility, which is disappointing to the community.
- There has been no maintenance or upkeep of the building since it has been purchased as a public house in a bid to run it down and make it unviable.
- The building as a community facility could be supported by residents who could assist with its upkeep and allow for families of North Kelsey Moor and surrounding villages to come together
- The survey has been done in surrounding villages that already have their own pubs so is not a true reflection of the residents of North Kelsey Moor.
- It would be great for the community if this could be reinstated as a pub.
- The pub has been run down by inappropriate owners
- This was the hub of the community for many years and should be again.

- From the day the pub was bought by the current owners no attempt has been made to open it as a pub and it has been left to go into disrepair.
- The reopening of the building as a community use would benefit the health and well being of our community.
- The survey results submitted are not relevant and attempt to skew the views of residents of North Kelsey Moor.
- The pub when open was well supported, with food, quizzes and community events.
- Following Covid, which had an impact on all pubs, effort should be made to re-instate this as a much needed focal point for the community.
- There are many community uses that could be considered and run (shop, pub, café, play park, b&b). These would all benefit the local community.
- The future of this community facility should be safeguarded for future generations of the village.
- The community should not lose out for the benefit of one person
- The total loss of this facility would be detrimental to the whole village
- The pub has been successful in the past and centre of the community. A chance for this to happen again should be given.
- The Local Authority has a duty to encourage the development of new business in the district at the benefit to it and the community. It should not permit the loss of them.
- The use of the building as holiday accommodation would be a beneficial use for multiple small local business in the area and should be considered.
- The rear boundary of the property has been moved and the person will be trespassing onto our land to enable the development to take place. This will not be permitted. There are already services on our land and land has been lost due to the extension originally built. This also cut out all natural light. This was allowed to happen by West Lindsey District Council. We will not have our home impacted on again and is upsetting. Regard should be given to others and their homes which they have worked hard for. It is clear land within the application site does not belong to them.
- The consultation exercise that has been taken has been done so to meet the objectives of the applicant and show support for the application.
- If the community lose the pub the residents do not have anywhere to socialise as the village hall was sold to private owner and with no hub.

Local residents writing in support of the proposals:

The Manor, North Kelsey

West Barn Cottage, Caistor Road, North Kelsey Moor

The Moorings, Caistor Road North Kelsey Moor

Station House, Station Road North Kelsey Moor

West Barn Cottage, Caistor Road North Kelsey Moor

Summary of comments made:

- The remote location of the pub and within fairly close proximity to other village pubs who offer food means that it could not be viable. It would in fact put pressure on the viability of the other two existing and open pubs if it were to open again.
- No one wants to see a pub close but a pragmatic approach needs to be taken due to the lack of trade available in such a rural location.
- There is a demand for housing in this area and the re-development would contribute to this while re-using an existing building.
- The re-use of the building could contribute to the village through retaining the building as a dwelling of quality and character
- The business has failed since 2019 and the building dilapidated since.
- Why put pressure on the existing pubs by re-opening one that has not been in operation for over 4 years.
- The re-use of the building supports the community as it will improve the appearance of the dilapidated building.
- There is no way in the current economic climate that the pub could ever re-open.
- The building would require enormous investment to return it into a satisfactory standard with poor prospects of generating any return.
- There is not enough demand for what this site can offer as a pub as this is already provided in neighbouring villages.
- The building needs urgent repair which will not happen as a closed public house.
- The former pub is spoken of with much nostalgia, however for at least seven years the Queens Head has not been open or provided a service to the community.
- The village is too small to sustain a pub and although people may travel to it from neighbouring villages, this takes trade away from them. There is not enough trade to sustain the use of the building as a pub in the current economic climate.
- The removal of the public house from the area would ensure a reduction in rural drink driving.
- The residential use of the building is a welcome change for the village.
- The current state of the site is a focal point for antisocial behaviour and having to be moved

LCC Highways:

No objections. The development proposals will result in a reduction in vehicle movements compared to that of its former use. The development is therefore not objectionable on traffic impact, in accordance with the NPPF.

The site provides sufficient off road parking to accommodate the proposals.

Environment Agency:

The application site is in Flood Zone 2 of our Flood Map for Planning and does not appear to fit any other criteria on our consultation checklist, 'When to consult the Environment Agency'.

The proposal is therefore covered by our national flood risk standing advice and it was not necessary to consult us.

Please view the advice on our website at <https://www.gov.uk/guidance/flood-risk-assessment-local-planningauthorities#flood-zone-2> before determining the application.

Archaeology:

The Assessment of Significance & Heritage Impact Assessment provided by the applicant satisfies the requirement set out in paragraph 194 of the National Planning Policy Framework (NPPF).

No below-ground archaeological remains are expected to be disturbed, as the current footprint of the building is not going to be altered. Therefore, there are no objections to the planning application on archaeological grounds. For changes affecting the historic fabric of the building please refer to comments by the West Lindsey District Council Conservation Officer..

Conservation officer:

I commend the heritage statement submitted with the proposal as it is very detailed throughout the site.

I am supportive to see the building retained and used for residential as it is no longer a commercial premises and keeping it vacant will lead to further decay and eventually loss of the property.

The significance of the property is in its location and envelope which is highlighted in the HS. Windows noted on the front elevation are also more traditional in style and have some significance to the style of the whole property.

The range of alterations to the building are predominantly to the modern extensions which have no significant heritage for concern. The rear first floor extension is in character with the original form and scale which are appropriate changes.

I do, however, feel to incorporation of uPVC windows and modern doors to the property are not in keeping and better materials and design could be proposed. Especially with the original building, the front elevation will lose the traditional timber frames windows. The proposal could enhance the character of the NDHA if the windows and doors of the original buildings were traditional timber frames in a heritage style double glazing to allow for improved energy performance.

Overall, the significant heritage of the property is within the footprint and envelope of the property so gaining a use of the property will allow for this to be retained. The loss of features such as the front windows is disappointing and I would like to see more heritage design incorporated. I have no objections however to the proposal if it retained a use for the property.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2023 and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- **Central Lincolnshire Local Plan 2023-2043 (CLLP)**

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S5: Development in the Countryside

Policy S6: Design Principles for Efficient Buildings

Policy S13: Reducing Energy Consumption in Existing Buildings

Policy S20: Resilient and Adaptable Design

Policy S21: Flood Risk and Water Resources

Policy S43: Sustainable Rural Tourism

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S50: Community Facilities

Policy S53: Design and Amenity

Policy S60: Protecting Biodiversity and Geodiversity

Policy S61: Biodiversity Opportunity and Delivering measurable Net Gains

<https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2023>

- **Neighbourhood Plan (NP)**

The Parish is not currently preparing a Neighbourhood Plan

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

The site is not within a Minerals Safeguarding Area, Minerals or Waste site / area.

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions.

The most recent iteration of the NPPF was published in February 2019.

Paragraph 213 states:

"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

- **National Planning Practice Guidance**
- **National Design Guide (2019)**

- **National Design Code 2021**

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Main issues

- Principle of Development (Loss of Community Facility and guest accommodation and conversion to residential dwelling.
- Flood Risk
- Character and Visual Impact including Historic Environment
- Residential Amenity
- Highways and Access
- Other Matters – Climate change and Energy Efficiency and enhancing biodiversity

Assessment:

Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Policy S50 (Community Facilities) of the CLLP is engaged. This places a presumption against the loss of an existing community facility and states:

The loss, via redevelopment, of an existing community facility to provide an alternative land use which is not that of a community facility will only be permitted if it is demonstrated that:

- a) The facility is demonstrably no longer fit for purpose and the site is not viable to be redeveloped for a new community facility; or*
- b) The service provided by the facility is met by alternative provision that exists within reasonable proximity: what is deemed as reasonable proximity will depend on the nature of the facility and its associated catchment area; or*
- c) The proposal includes the provision of a new community facility of similar nature and of a similar or greater size in a suitable on or offsite location.*

Planning application 145652 related to the application site and also sought planning permission for the change of use from former public house to form 1no. dwelling with workspace with 2no. attached annexes including first floor extension and other internal and external alterations. This application was assessed under the Central Lincolnshire Local Plan adopted in 2017 and refused for the reasons stated in the relevant history section of this report, in accordance with associated 2017 policies.

The application site remains the same as considered in planning application 145652 and the principal proposals are also similar. However, the 2017 CLLP was superseded in April 2023 when the 2023 Central Lincolnshire Local Plan

was adopted. Consequently, the proposals subject to this application now fall to be determined against the policies within the 2023 Development Plan. There are nevertheless similarities between the Policy requirements in the 2017 and 2023 Development Plans and consequently where appropriate, the assessment and conclusions reached in the determination of application 145652 will be considered in this report and assessment.

This application seeks planning permission to change the use of the existing public house to one residential dwelling, an incidental annex and holiday let. The change of use and associated conversion works includes the erection of a first floor extension as well as internal and external alterations.

Policies S1: The Spatial Strategy and Settlement Hierarchy, S5: Development in the Countryside, NS27: Residential Annexes, S43: Sustainable Rural Tourism and S50: Community Facilities of the 2023 Central Lincolnshire Local Plan are therefore particularly relevant and are applicable.

Loss of Community Facility and Re-development of guest accommodation Policies S50 and S43:

The public house incorporates a bar, restaurant and purpose-built guest accommodation. It is located in North Kelsey Moor off Station Road, which is the main highway through the area. There has been no intervening change of use occurred since the determination of application 145652 and its authorised use therefore remains a 'Sui Generis' or unclassified, Use Class. It is considered primarily as a public house for planning purposes (formerly A4 use, now "sui generis").

The application site was also considered to be located within the countryside in the determination of application 145652. This was concluded when taking into consideration the definitions of hamlet and developed footprint as set out in Policy LP2 of the 2017 CLLP.

These definitions remain the same in the glossary of the 2023 CLLP and nothing has significantly changed on site or in the area. Consequently, the application site and North Kelsey Moor is still considered to be located within the countryside.

Local Policy S50 of the 2023 CLLP relevantly states:

In most instances, the loss of an existing community facility will not be supported.

The loss, via redevelopment, of an existing community facility to provide an alternative land use which is not that of a community facility will only be permitted if it is demonstrated that:

- a) The facility is **demonstrably** no longer fit for purpose and the **site is not viable to be redeveloped for a new community facility**; or*
- b) The service provided by the facility is **met by alternative provision that exists within reasonable proximity**: what is deemed as*

reasonable proximity will depend on the nature of the facility and its associated catchment area; or
c) *The proposal includes the provision of a new community facility of similar nature and of a similar or greater size in a suitable on or offsite location.*

It should be noted that a development is only required to meet one of the criteria (a)-(c), in order to comply with the policy.

This policy wording is identical to the 2017 policy LP15 and consequently the assessment undertaken and conclusions reached in application 145652 are still relevant. Reason for refusal 1. also related to this policy and stated:

“1. Insufficient information has been submitted to show that the public house is no longer fit for purpose or that the site is not viable for re-development of a new community facility. Furthermore, no evidence has been provided that the public house as a community facility is being met by alternative provisions. The proposal does not include the provision of a new community facility and consequently proposed development is contrary to policy LP15 of the Central Lincolnshire Local Plan.”

However, the 2023 CLLP has also introduced Policy S43 relating to rural tourism which is also relevant to the loss of the public house in providing purpose built guest accommodation. It states that:

The conversion or redevelopment of hotels and guest houses and any other forms of visitor accommodation to permanent residential accommodation will be resisted unless it can be demonstrated that the existing tourism use is no longer viable through a thorough and proportionate marketing exercise lasting not less than 12 months.

The combined policy approach S43 and S50 of the 2023 CLLP therefore provides a presumption to retain community facilities and guest accommodation to achieve and maintain sustainable and well integrated places and the rural economy. Unless it can be demonstrated through clear and robust evidence that they meet the criteria's listed previously. An assessment of these and the evidence submitted is set out below.

Policy S50:

a) *The facility is demonstrably no longer fit for purpose and the site is not viable to be redeveloped for a new community facility*

Policy S43: *The conversion or redevelopment of hotels and guest houses and any other forms of visitor accommodation to permanent residential accommodation will be resisted unless it can be demonstrated that the existing tourism use is no longer viable through a thorough and proportionate marketing exercise lasting not less than 12 months.*

In the determination of application 145652 the case was made that the purpose of the Queens Head never solely served or was sustained by the Local Community of North Kelsey Moor and its custom derived from passing traffic, visitors from surrounding villages and staying in the bed and breakfast accommodation. This custom was however said to have decreased significantly over the last 20 years and the viability of running the business was compromised. The Covid pandemic had further financial implications on the business in its remote location and resulted in no prospect of the public house being able to re-open.

In support of this, application 145652 was submitted with some brief details of the sale and marketing history of the public house. It stated that the public house was offered for sale in late 2018 through to the early part of 2019 but was then withdrawn. After the appointment of the receiver in February 2020 agents were instructed to market the property in May 2020.

It is understood that there was little interest in taking on the public house business as a going concern and the property stayed on the open market until May 2021. By this time a new company had been set up by the previous owner and he then purchased the property back. However, this venture also failed and the property was eventually sold to the applicants in January 2022.

In the assessment of application 145652 in 2022 it was concluded that this level of evidence did not clearly demonstrate the business to be unviable, or that the facility was demonstrably no longer fit for purpose, or that that the viability for re-development of the site as an alternative community use had been explored or advertised. In this regard it was noted that no information from any third party Estate Agents in terms of marketing, interest or offers being received over the different sale periods was provided. Nor was any financial records/accounts submitted to evidence the past and recent financial viability of the business. The representations from members of the community were also mixed in terms of the loss of the public house to a residential use and the need for an alternative facility on the site.

This application has provided some further information in terms of trying to prove that the facility is demonstrably no longer fit for purpose and the site is not viable to be redeveloped for a new community facility. What additional information is provided is set out in the planning statement submitted and a statement provided by the company who took on the Receivership of the Queens Head in 2020. The planning statement sets out that the previous marketing of the property demonstrates that there was no third-party interest for acquiring the site as a going concern or for alternative community uses. It also reiterates that the countryside location and current economic climate means that the facility is no longer fit for purpose, and it is no longer viable to operate as a public house or other community facility. The poor state of the building is also noted as a reason why the public house is no longer fit for purpose and the level of repairs and refurbishment required adds to the viability argument of the proposals. A conditions assessment of the building has also been submitted in support of this.

The conditions statement submitted sets out that the structure and the fabric of the building is sound, and that repairs and refurbishment could bring it back to modern standards, albeit at a cost. As such the evidence submitted does not show that the facility is demonstrably unfit for purpose in this regard and could be brought into use, should the refurbishment works be carried out. However, the cost associated with undertaking them would likely to be unviable, with no guarantee that the Queens Head would be profitable if re-opened as a public house, with visitor accommodation or other community use. It is nevertheless noted that the refurbishments work required to the existing building are also noted to be applicable to the conversion and use of the building as a dwelling. As such, the building is as fit for use as a public house/and community facility, as it is for a private dwelling house. The viability of the alterations would nevertheless be more secure through the use and value of the building as a residential property

The statement from Walter Real Estate also confirms that the Queens Head went into receivership in 2020, after initially being on the market between 2018 and 2019. It also clarifies that they put the Queens Head on the market after they were appointed fixed charge receivers in 2020 and that it remained on the market until 2022 when it was purchased by the applicant. The statement also sets out that no expressions of interest were received from parties seeking to operate the property as a going concern, only for alternative uses and mainly residential.

The financial circumstances of the Queens Head and it being taken into receivership prior to the applicant's ownership is therefore noted, as well as the property being marketed in excess of a 12-month period, with it being stated that no interest from parties seeking to purchase and operate the property as a going concern being received. This evidence therefore indicates that the market considered the Queens Head to be unfit and unviable to be re-opened as a going concern. There is also other circumstances to consider around the timings of the sale of the Queens Head and impacts upon its use and viability as a public house and visitor economy. In this regard, it is recognised that the Covid Pandemic hit around the time the Queens Head went into receivership and all pubs were closed or restricted between 2020 and 2022. Consequently, when the Queens Head was purchased by the current owner, it would have then been closed on and off for around 4 years and the building started to get run down. With this in mind, and when considering that the Queens Head, in its countryside location and only directly serving a small community would likely be unviable and again at real risk of going into receivership, if opened up as a going concern or other community facility.

The number of other public houses and facilities in and around the area is also a factor in terms of the realistic viability of the Queens Head as a going concern or other community facility; and although explored further in the next section of the report, it noted that there are at least 6 other public houses within neighbouring settlements and serving the wider rural communities. These circumstances and the conclusion that it would be unviable to re-open the Queens Head is however reached on the balance of probability and it is

also recognised that there has not been any detailed or financial evidence submitted to prove this, even though it has been requested. It is also recognised that the current owner purchased the Queens Head as a public house and associated accommodation, with no intention of re-opening as a going concern or other community facility. This is shown through the submission of application 145652 in October 2022 and soon after its purchase in May 2022. Consequently, no financial information or business models are also available for consideration. Additionally, since the refusal of application 145652 in November 2022, the site has remained in the private ownership of the applicant with no effort to market or use the premises for sale or rent as a public house, visitor accommodation or other community use.

It is nevertheless, also recognised that the proposed development relating to this application does propose to use a section of the existing building as a holiday let. However, this would act as only a small benefit to the overall rural economy and will still result in the loss of the wider community facility. Limited weight can therefore be afforded to this aspect of the development.

Consequently, and on this basis, it is concluded that although the Queens Head went into receivership in 2020 and has remained close from this date forward, no detailed evidence has been submitted that proves that the Queens Head is demonstrably no longer fit for purpose or viable to be used as a public house, visitor accommodation/tourism use, or redeveloped as an alternative community facility. However, on the balance of probability it is considered plausible to conclude that the circumstances surrounding the refurbishing and re-opening of the Queens Head as a going concern, tourism use or other community facility are unlikely to be viable options.

On this basis, whilst matters relating to the provisions of criteria a) of Policy S50 and Policy S43 are considered to be finely balanced it may be justified.

Policy S50 (b)

b) The service provided by the facility is met by alternative provision that exists within reasonable proximity: what is deemed as reasonable proximity will depend on the nature of the facility and its associated catchment area

It was previously identified that there were 6 alternative public houses offering a similar range of facilities to the Queens Head within 4 miles of it.

- The Butchers Arms (North Kelsey) is located approximately 1.9 miles (3km) (via roads) to the west of the Queens Head. The only footpath between North Kelsey and North Kelsey Moor is via the public right of way NKel/60/3 which is an unlit footpath through agricultural land. A car journey between the two would take approximately 4 minutes.
- The Bull Inn (South Kelsey) is located approximately 4.8 miles (7.7km) (via roads) to the south-west of the Queens Head. There is no footpath between South Kelsey and North Kelsey Moor and a car journey between the two would take approximately 7 minutes.

- The Cross Keys Inn (Grasby) is located approximately 2.5 miles (4km) (via roads) to the north-east of the Queens Head. There is no footpath between Grasby and North Kelsey Moor and a car journey between the two would take approximately 6 minutes.
- Skipworth Arms (nr Moortown) is located approximately 3.2 miles (5.1km) (via roads) to the south of the Queens Head. There is no footpath between Moortown and North Kelsey Moor and a car journey between the two would take approximately 5 minutes.
- The Salutation Inn (Nettleton) is located approximately 3.6 miles (5.8km) (via roads) to the south-east of the Queens Head. There is no footpath between Nettleton and North Kelsey Moor and a car journey between the two would take approximately 7 minutes.
- The White Hart Inn (Caistor) is located approximately 3.2 miles (5.1km) (via roads) to the east of the Queens Head. There is no footpath between Caistor and North Kelsey Moor and a car journey between the two would take approximately 6 minutes.

On this basis it was concluded that these 6 public houses offered an alternative provision for passing/commuting customers or those needing accommodation when visiting from the wider area and arriving by motor car.

On consideration of the earlier application, It was however identified that as the Queens Head is the only public house/community facility within North Kelsey Moor and offers a reasonable prospect for residents to access it via foot or cycle. The other pubs within the neighbouring villages would likely result in North Kelsey Moor residents having to use their car to access them. There was no evidence of any community consultation, despite reference to such.

Consequently, it was concluded that there was no clear evidence to prove the loss of the public house for use by the residents of North Kelsey moor is supported through an alternative provision.

This current application has now been submitted with further evidence of a community consultation which has 43 responses attached. This consultation gave the following information:

1. Do you think we need a pub in North Kelsey Moor?

Yes	No	Don't Know
0	41	2

2. How often did you use the pub when it was open?

Daily	Monthly	Weekly	Now and again	Never
0	1	5	16	21

3. What did you visit the pub for?

Drinks	Food	Special Occasions
7	12	4

4. If you currently use an alternative pub, where do you go?

Cross Keys Grasby	Butchers Arms North Kelsey	Bull South Kelsey	Skipworth Arms Moortown	Weatherspoon's Scunthorpe
2	18	1	2	5

5. Would you like the pub to reopen as a pub or something else?

Pub	Something Else
0	40

6. If the pub reopened, would you come back?

Yes	No	Maybe
2	38	2

However, it is noted that the respondent's addresses are not from North Kelsey Moor residents. They are mostly from residents of neighbouring villages and the results do not therefore reflect the views of the residents and community most immediately affected by the permanent loss of the community facility. This evidence does not therefore prove that the residents of North Kelsey Moor itself are served by alternative public house within reasonable proximity.

The consultation period undertaken as part of this application has nevertheless been considered in this regard and only responded to by 11 North Kelsey Residential properties. 6 object to the proposals and 5 of them are in support. Some of the comments made do however raise viability as a concern, as well as the impact the re-opening of the Queens Head would have on some of the other public houses located within the neighbouring settlements. This is however a matter of competition and not a material planning consideration.

There has been a mixed response from residents on consultation of this application, with letters both supporting and objecting to the application. North Kelsey Parish Council have also not raised any concerns to the loss of the public house. Collectively, the level of objection to the loss of the public house and community facility is therefore considered to be low and the level of use associated with it as a community facility would not be enough to sustain the use of the Queens Head.

It is also recognised that the service provided by The Queens Head as a public house/community facility has not been provided to North Kelsey Moor residents since before 2020 and it is therefore likely that some residents will now use an alternative provision in neighbouring villages. Although it is likely that this provision will be accessed via private car, this situation will be common place for residents in North Kelsey Moor, given its countryside

location and most public houses, shops, services and facilities being located within neighbouring settlements.

It is therefore based upon these facts that it is considered plausible that the other existing public houses within a 4 mile radius are within a reasonable proximity to provide the service to the rural community of North Kelsey Moor, in its countryside location. This matter is however considered to be subjective and a finely balanced, but it is considered that the development could accord with S50 criteria (b).

Policy S50 (c):

c) The proposal includes the provision of a new community facility of similar nature and of a similar or greater size in a suitable on or offsite location

The proposed development does not propose the provision of a new community facility and consequently the proposed development does not comply with criterion c) of S50.

Principle Conclusion of Policies S43 and S50:

The application has not been submitted with any comprehensive evidence which proves that the facility is demonstrably no longer fit for purpose, or the site is not viable for use as a public house, visitor accommodation or redevelopment of a new community facility. Nor does the proposal include the provision of a new community facility. However, on the balance of probability it is considered plausible to conclude that the circumstances surrounding the refurbishing and re-opening of the Queens Head as a going concern, tourism use or other community facility are unlikely to be viable options.

Whilst matters relating to the provisions of criteria a) of Policy S50 and Policy S43 are considered to be finely balanced, it is considered that there is a case for compliance with the criterion.

There is also no comprehensive evidence that the public house facility provided by the Queens Head is already provided through an alternative provision, within a reasonable proximity. However, when considering the facts of this site, and the number of public houses within neighbouring settlements; it is reasonable to conclude that alternative provision exists.

This matter is nevertheless considered to be subjective and . consequently, matters relating to the provisions of criteria b) of Policy S50 are finely balanced, but it is considered the development would meet the criterion.

Policy S5 Part A relates to the Re-use and conversion of non-residential buildings for residential use in the countryside and states:

Where a change of use proposal to residential use requires permission, and where the proposal is outside the developed footprint of a settlement listed in the Settlement Hierarchy or the developed footprint of a hamlet, then the proposal will be supported provided that the following criteria are met:

- a) **Comprehensive and proportionate evidence is provided to justify either that the building can no longer be used for the purpose for which it was originally built, or the purpose for which it was last used, or that there is no demand (as demonstrated through a thorough and robust marketing exercise) for the use of the building for business purposes; and**
- b) *The building is capable of **conversion with minimal alteration**, including no need for inappropriate new openings and additional features; and*
- c) *The building is of **notable architectural or historic merit** and intrinsically worthy of retention in its setting.*

This policy wording is identical to the 2017 policy LP55 and consequently the assessment undertaken, and conclusions reached in application 145652 are still relevant. Reason for refusal 2. also related to this policy and stated:

“2. The application has not been submitted with comprehensive and proportionate evidence to justify that the building can no longer be used for the purpose for which it was originally built, or last used for, or that there is no demand for the use of the building for business purposes. No evidence has also been provided to justify the extent of the alterations and extensions proposed and they are consequently considered to go beyond minimal works and include new openings and additional features contrary to the provisions of Part A of Policy LP55 of the CLLP and associated guidance within the NPPF.”

Consequently, it needs to be demonstrated through clear evidence submitted with this application that the proposals meet all the requirements of Policy S5. An assessment of these and the evidence submitted is set out below.

Policy S5 (a)

Comprehensive and proportionate evidence is provided to justify either that the building can no longer be used for the purpose for which it was originally built, or the purpose for which it was last used, or that there is no demand (as demonstrated through a thorough and robust marketing exercise) for the use of the building for business purposes; and

As set out in the previous section of this report, and in relation to these requirements; this application has been provided with additional information which is set out in the planning statement, the submission of a condition assessment of the building, to evidence its poor state of repair and a statement from receiver in relation to the marketing and interest of the property from 2020.

The planning statement sets out that the previous marketing of the property demonstrates that there was no demand for acquiring the site as a going concern or for alternative uses. It also reiterates that the countryside location and current economic climate means that the facility is no longer fit for purpose, and it is no longer viable to operate as a public house or other community facility.

The conditions assessment provided does set out that extensive refurbishment works would be required to enable the existing building to be re-used and brought up to modern day standards. It does not however evidence that the building can no longer be used for the purpose for which it was originally built or last used for, just that refurbishment works would be necessary to do so.

The previous section of the report does however question the financial ability of the required refurbishment works to be feasible, when based upon the questionable viability of the continued use of the Queens Head as a public house with associated visitor accommodation. It also recognises that the public house has been closed since before 2020, when it went into receivership and little objection has been received from the community of North Kelsey Moor, or the Parish Council. The community of North Kelsey Moor is also considered not large enough in itself to sustain the public house within its countryside location and there are also 6 other public houses within reasonable proximity to the Queens Head, that already serve the surrounding rural communities. The statement from Walter Real Estate also confirms they put the Queens Head on the market after they were appointed fixed charge receivers in 2020 and that it remained on the market until 2022 when it was purchased by the applicant. The statement also sets out that no expressions of interest were received from parties seeking to operate the property as a going concern. These collective considerations therefore conclude on the balance of probability that there is little demand for the Queens Head to remain as a public house.

However, policy S5 also requires consideration to be given to the demand for the use of the building for other business uses as demonstrated through a robust marketing exercise.

In this regard, the statement provided by Walting Real Estates is drawn upon and the marketing exercise undertaken between 2020 and 2022 considered robust enough. The statement confirms that: "*Without exception, all of the serious interest received came from parties seeking to redevelop the property to provide alternative uses, mainly residential*". However, no detailed evidence has been provided which sets out how much interest was shown for alternative uses or if they were business related. Consequently, the evidence submitted is not considered to comprehensively demonstrate that there is no demand for the use of the site for business purposes but does proportionately indicate that the main interest for the redevelopment of the site was for residential use. There are also circumstantial matters which are considered material to the realistic probability of the site and building not being suitable or in demand for other business uses. This is due to it being located within an unsustainable countryside location and the building not generally being compatible to other commercial business types or uses. Consequently, it is considered plausible on the balance of probability that there was no serious demand to use the Queens Head for other business purposes, and in these circumstances, the marketing exercise and statement received is considered to proportionately demonstrated this.

The proposed change of use on the balance of probability is therefore considered to accord with the requirements of Policy S5 part (a),.

Policy S5 (b) and (c):

b) The building is capable of conversion with minimal alteration, including no need for inappropriate new openings and additional features; and

c) The building is of notable architectural or historic merit and intrinsically worthy of retention in its setting.

The Queens Head has been identified to have historic and architectural merit due to its presence dating from 1856 and associated with the railway. Its historic form was also noted to be retained, albeit altered over the years. On this basis it was considered that the building could be of notable architectural or historic merit and intrinsically worthy of retention in its setting. However, there was no heritage assessment submitted with the previous application to evidence its significance and value or to understand how the proposed conversion works impacted upon it.

This application has been provided with a heritage statement which notes that the site and buildings do not form part of any listings, including Lincolnshire's historic environment record. However, the location of the site, its association with the railway line and the buildings original architectural form as a Victorian Inn, gives it some historic and architectural interest. The site and building have, nevertheless, undergone significant alterations and extensions which have compromised the architectural character of the original site and buildings. Consequently, the site and building only has a low local level of architectural and historic merit, with only some aspects of the earlier building being worthy of retention in its setting. The heritage report therefore concludes that the Queens Head has some local historic and architectural interest, and the development of the site has the potential to improve/reinstate valued architectural and historic features noted on the original south and west elevations.

In terms of the ability of the building to be converted with minimal alteration, it is noted from the condition survey submitted, that some refurbishments work would need to be undertaken to bring the building back into use. However, it is of a condition and form which enables the conversion of the public house and associated visitor accommodation to be undertaken without the need for significant alterations or additional features to take place. However, the proposals do include internal and external alterations, including an extension which are considered beyond minimal.

Nevertheless, the heritage statement sets out that the overall proposals for additions and alterations, including the removal of unsympathetic features and replacement with more sympathetically designed and detailed elements, would considerably enhance the existing appearance of the Queen's Head in the streetscape. Consequently, although the building is capable of conversion with minimal alteration and with no need for new opening and additional

features; the proposed development in doing so are appropriate and justified in this instance. The proposed development is therefore considered to meet the requirements of criteria b) and c) of Policy S5 Part A.

Policy S5 Conclusion:

The evidence submitted along with local circumstances is considered to proportionately demonstrate that that a robust marketing exercise has been undertaken and that there was no serious demand shown for the Queens Head to be used for other business purposes. This matter is however finely balanced. The heritage statement submitted also confirms that the Queens Head has a low local level of architectural and historic merit, and the proposed alterations and additions are justified as they will enhance the character and appearance of the building. Consequently, on balance the proposed development is considered to meet the requirements of Policy S5 part (a).

Principle Conclusion:

Although application has not been submitted with comprehensive evidence which proves that the facility is demonstrably no longer fit for purpose, or the site is not viable for use as a public house, visitor accommodation or redevelopment of a new community facility. Nor does the proposal include the provision of a new community facility. It is plausible, on the balance of probability to conclude that the circumstances surrounding the refurbishing and re-opening of the Queens Head as a going concern, tourism use or other community facility are unlikely to be viable options. There is evidence that the site has previously been marketed, albeit not since 2022. Consequently, whilst matters relating to the provisions of criteria a) of Policy S50 and Policy S43 are considered to be finely balanced, it is considered the application can be deemed to be in compliance.

Additionally, although no comprehensive evidence has been submitted to demonstrate that the public house facility provided by the Queens Head is already provided through an alternative provision, within a reasonable proximity. When considering the facts of this site, and the number of public houses known to be within neighbouring settlements; it is plausible to conclude on the balance of probability that alternative provision exists. Whilst a finely balanced matter, it is considered to meet with S50(b).

The evidence submitted with the application is also not considered to comprehensively justify that the building can no longer be used for the purpose for which it was originally built, or last used. However, it is plausible on the balance of probability to conclude that the marketing exercise undertaken proportionately demonstrates that there was no serious demand shown for the Queens Head to be used for other business purposes. This matter is however considered to be finely balanced. The heritage statement submitted also confirms that the Queens Head has a local level of architectural and historic merit, and the proposed alterations and additions are justified as they will enhance the character and appearance of the building. Consequently, on balance, the proposed development is considered to meet the requirements of Policy S5 part (a).

Flood Risk and Drainage

The application site falls entirely within flood zone 2, together with the surrounding area as defined in the Environment Agency flood maps. Flood Zone 2 is an area with a medium risk of flooding (Land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding). Areas around the site are also recognised to have a high risk of surface water flooding.

Policy S21: Flood Risk and Water Resources of the 2023 CLLP is therefore relevant and states:

All development proposals will be considered against the NPPF, including application of the sequential and, if necessary, the exception test.

Through appropriate consultation and option appraisal, development proposals should demonstrate:

- a) that they are informed by and take account of the best available information from all sources of flood risk and by site specific flood risk assessments where appropriate;*
- b) that the development does not place itself or existing land or buildings at increased risk of flooding;*
- c) that the development will be safe during its lifetime taking into account the impacts of climate change and will be resilient to flood risk from all forms of flooding such that in the event of a flood the development could be quickly brought back into use without significant refurbishment;*
- d) that the development does not affect the integrity of existing flood defences and any necessary flood mitigation measures have been agreed with the relevant bodies, where adoption, ongoing maintenance and management have been considered and any necessary agreements are in place;*
- e) how proposals have taken a positive approach to reducing overall flood risk and have considered the potential to contribute towards solutions for the wider area; and*
- f) that they have incorporated Sustainable Drainage Systems (SuDS)/ Integrated Water Management into the proposals unless they can be shown to be inappropriate.*

Paragraph 168 of the NPPF states that *'applications for minor development and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments.*

The sequential and Exceptions test is not therefore applicable to this application but Footnote 55 of the NPPF clarifies that a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3

However, as no Flood Risk Assessment was submitted with application 145652, as required by the NPPF and 2017 Local Plan Policy LP14. The third reason for refusal related to matters of flood risk and stated:

“3. The application site is located within Flood Zone 2 and no Flood Risk Assessment has been submitted with the application. The development cannot therefore demonstrate that the risk of flooding can be adequately managed over the lifetime of the development, taking into account the vulnerability of its users, without increasing the risk elsewhere. Therefore, the proposed development does not accord with Policy LP14 of the CLLP and associated guidance within the NPPF.”

A flood risk assessment has been submitted with this application and identifies:

Land levels adjacent to the building are approximately 13.60m AOD and existing ground floor levels are approximately 13.75m AOD.

The site is at a medium risk of flooding from pluvial sources and the pluvial external depth of flooding in the medium event is 0.30m, (approximately 0.15m internal depth of flooding). There is also surface water flooding shown adjacent to the building in the medium risk event with depths of up to 0.30m.

The site is not at risk of flooding from fluvial sources in the 1.0%, (1 in 100) + climate change event, but is at a low risk of flooding in the 0.1%, (1 in 1000) + climate change event and the fluvial external depth of flooding is 0.25m, (approximately 0.10m internal depth of flooding). It sets out that complete flood risk mitigation for the site and building cannot be achieved through raising the site and floor levels of the existing building. Consequently, it recommends additional flood resilience measures should be incorporated into the refurbishment works where possible.

The vulnerability of the use of the site for residential purposes (“more vulnerable” use) is also the same as associated with the current public house use (also a “more vulnerable” use, as set out in Annex 3 of the NPPF). The Flood risk assessment also notes that the occupiers of the proposed dwelling and associated annex will have access to bedrooms on the 1st floor which can provide refuge in the event of a flood. There is also no increase in flood risk related to the holiday accommodation provided and it also has upper floor accommodation. However, as it will be run in association with the occupation of the host dwelling, visitors will also have access to first floor refuge within the host dwelling should it be required. Based upon this the FRA concludes that the development can offer safety for occupants for its lifetime, accounting for impacts of climate change. The proposed extension and alterations do not also increase the ground floor footprint of the building and do not extend hard surfaces within the site. Consequently, it is considered that the proposed

development does not increase the risk of flooding to the site or elsewhere and the development overall therefore meets the flood risk requirements of Policy S21 of the CLLP and guidance within the NPPF.

Policy S21 also requires adequate drainage provision to be provided for all proposed development. No drainage information has been provided with the application. However, given the fact that the Queens Head is already served by an established system, no further details are considered necessary.

Visual Impact including the Historic Environment.

The Queens Head was previously identified to have historic and architectural merit and noted as a non-designated heritage asset. However, due to no heritage information being submitted with the previous application it was not possible for the Local Planning Authority to assess and conclude if the proposed change of use and the associated alterations and extensions are of an appropriate size, scale, and design to respect the character and appearance of the Queens Head and its contribution to the area. Consequently, reason for refusal 3. related to this matter and stated:

4. The application has not been submitted with adequate information to assess and conclude that the proposed change of use and the associated alterations and extensions are of an appropriate size, scale and design to respect the character and appearance of the Queens Head as a non-designated heritage asset and its contribution to the area. The application does not provide details to prove that the development is compatible with the fabric of the building or that it will sustain or enhance architectural features that contribute to its special interest and historical significance and would demonstrably assist in the maintenance or enhancement of it. Therefore, the proposals are contrary to policies LP17, LP25 and LP26 of the Local Plan and associated guidance within the NPPF.

The proposed development in terms of the extension and alteration of the building remains the same as in application 145652 as are the policy requirements set out in Policies S53: Design and amenity and S57 The Historic Environment of the 2023 CLLP.

Policy S57 relevantly states that:

Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.

Development proposals will be supported where they:

d) protect the significance of heritage assets (including where relevant their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, architectural detailing, materials, siting, layout, mass, use, and views and vistas both from and towards the asset;

- e) promote opportunities to better reveal significance of heritage assets, where possible;*
- f) take into account the desirability of sustaining and enhancing non-designated heritage assets and their setting.*

Proposals to alter or to change the use of a heritage asset, will be supported provided:

- g) the proposed use is compatible with the significance of the heritage asset, including its fabric, character, appearance, setting and, for listed buildings, interior; and*
- h) such a change of use will demonstrably assist in the maintenance or enhancement of the heritage asset; and*
- i) features essential to the special interest of the individual heritage asset are not harmed to facilitate the change of use.*

In addition to this CLLP Policy S53 relates to the Design of development and requires that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place which demonstrates a sound understanding on their context. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they are well designed in relation to siting, height, scale, massing, and form. Important views into, out of and through a site should also be safeguarded.

A heritage statement has been submitted with this application and notes that the site and buildings do not form part of any listings, including Lincolnshire's historic environment record. However, the location of the site, its association with the railway line and the buildings original architectural form as a Victorian Inn, gives it some local historic and architectural interest. It is nevertheless recognised that the site and building have undergone significant alterations and extensions which have compromised the architectural character of the original site and buildings. Consequently, the site and building only has a low local level of architectural and historic interest.

The statement sets out that the original South and West elevation of the original two storey inn are the most significant, due to later additions dominating other aspects of the building and site. It also assesses the heritage impact of the proposed alterations and extension, which includes

- Replacement of the windows and doors on all elevations
- The removal of the mono pitch tiled roof along the front south elevation and the provision of a porch.
- A two-storey extension on the rear north/east side elevations
- Changes to the fenestration and provision of a porch on the North elevation.
- Changes to the fenestration, including the provision of additional windows, a dormer window and porch on the West elevation.
- A small alteration to the single storey roof element of East elevation
- Extensive alterations to the interior of the later parts of the building

- The reconfiguration and loss of the two bar areas in the ground floor area of the original building.
- The alteration of the upper floor rooms in the original building to create a new layout, en-suite and bathroom.

The statement also assesses the heritage impact of the proposed development and includes both internal and external features. The statement identifies that some internal fabric will be damaged/lost as a result of the conversion works. They are not however significantly harmful overall and their loss is outweighed by the external changes, including the removal of unsympathetic features considerably enhancing the appearance of the Queens Head within the street scape and at the junction through North Kelsey Moor.

The Conservation officer has commended the heritage statement submitted and is supportive of the re use of the property to prevent further decay or even loss from being vacant. The Conservation officer reiterates the significance of the property in its location and envelope. They also note the front elevation to be more traditional in style and hold features of significance. Consequently, although the range of alterations to the building are considered to be appropriate changes and enhance the traditional character of the building; the incorporation of UPVC windows and modern doors, especially on the front elevation is not considered to preserve its significance. The Conservation officer has however suggested that timber framed, heritage style double glazed option would be appropriate in resolving this. A condition to secure appropriate window and door design would therefore be proposed, should planning permission be granted. As would a condition to ensure all materials and finish are appropriate.

With such conditions in place the proposed extension and alterations are considered to be of a size, scale and design which respect and enhance the character of the existing property and its significance as a (non-designated) heritage asset.

The landscaping plan submitted also shows the garden area of the dwelling would be planted and result in an improvement to the area around the existing building and street scene. No specific details have however been provided in terms of exact planting, timescales and maintenance. Consequently, a condition is proposed to secure this as an enhancement is proposed.

It is therefore concluded overall that subject to the recommended conditions weight can be afforded to the development, as it would help to improve and sustain the building and its significance, as well as the character of the surrounding area.

The proposed development is therefore considered to be in accordance with the provisions of Policies S53 and S57 of the CLLP.

Neighbouring Amenity

The amenity considerations as set out in Policy S53: Design and Amenity relevantly states that:

“All development proposals will be assessed against, and will be expected to meet the following relevant design and amenity criteria. All development proposals will:

7. Uses

b) Be compatible with neighbouring land uses and not result in likely conflict with existing uses, unless it can be satisfactorily demonstrated that both the ongoing use of the neighbouring site will not be compromised, and that the amenity of occupiers of the new development will be satisfactory with the ongoing normal use of the neighbouring site;

c) Not result in adverse noise and vibration taking into account surrounding uses nor result in adverse impacts upon air quality from odour, fumes, smoke, dust and other sources;

8. Homes and Buildings

d) Not result in harm to people’s amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare;

Harm to neighbouring properties was not previously identified in the earlier application. The only difference between the proposed development being considered in this application, is the continued use of part of the existing building as guest/holiday accommodation. Whereas in application 145652 it was proposed to use all of the existing building as a residential dwelling and two associated annexes. This change does not however result in any additional impacts to the use of the site as existing or as proposed in application 145652. It remains the view that there will be no harm to neighbours as a result of the development.

The application site adjoins two neighbouring properties known as Ravendale House and Bannovallum. In this respect it is recognised that the application site, proposed extensions and alterations are located more than 60 metres away from Ravendale House located to the North West of the site. Screening between the two sites is also provided through existing trees and planting. Consequently, the proposed change of use and associated alterations and extension are not expected to have an adverse impact upon the residential amenity of its occupiers. No concerns or objections have also been raised by its occupiers/owners.

The Queens Head however shares a close relationship with the neighbouring property located to the East (Bannovallum). The occupiers of Bannovallum have raised concerns and objections in relation to the proposals due to an ongoing boundary dispute between the two properties. They have claimed that the application site and services associated with the property are on land within their ownership and that permission to access them will not be given.

This concern has been raised with the agent who has subsequently submitted a revised site location plan. Additionally, whilst the neighbour's claims are noted, boundary disputes are not a planning matter which can be considered as part of this application and are a civil matter between the relevant parties.

Matters which are material for consideration are impacts on the residential amenity of the occupiers of Bannovallum relating to the proposed change of use and the associated alterations and extensions. In terms of the proposed change of use, the proposed residential nature of the proposals, including the annex and associated holiday accommodation are considered acceptable as a neighbouring use to an existing residential property. With regards to the proposed extension and alterations it is noted that there are no new openings proposed on the east side elevation of the main building or the rear offshoot running along the eastern boundary. There are also no new roof lights proposed on the Eastern roof slopes. The development is therefore considered acceptable in this regard.

Nevertheless, should planning permission for the change of use be acceptable then permitted development rights would need to be removed to ensure that the relationship between the two properties remains acceptable. As for impacts relating to the extension of the building, the extension of part of the single storey roof line is not considered to result in a significant change to the presence of this element of the building and consequently it would not be harmful to the amenity of the neighbouring occupiers. The first floor extension will introduce a further projection from the rear of the main two storey building and will be visible from the neighbouring property and garden. It is however of a size similar to an existing two storey rear projection and will be set at a distance (at least 15 metres) away to ensure that it will not be harmful through its presence/dominance or loss of light.

Consideration also needs to be given to the occupation of the annex and the use of the holiday let accommodation and the relationship they will share with the occupiers of the proposed host dwelling. In this regard it is noted that both will be connected to the occupation of it, and this controlled through appropriate conditions. With such conditions in place the occupation of all three elements is considered to be possible, without having adverse impacts upon each other.

It is therefore considered that the proposed change of use and associated alterations and extensions do not have a harmful impact on the residential amenity of the occupiers of the neighbouring properties or those of the proposed dwelling and annex. Consequently, the proposed development is considered to be in accordance with the requirements of Policy S53 of the CLLP and guidance within the NPPF. Neutral weight is therefore afforded to this element of the proposals.

Highway Safety and parking:

Policy S47 sets out that 'Development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported'. Policy S49 relates to

adequate parking provision and car parking standards are set out in Appendix 2 of the CLLP. These standards require 3 parking spaces (including the annex) to be provided for the proposed dwelling in its rural location.

Paragraph 110 of the NPPF requires that development proposals provide safe and suitable access to all users. While Paragraph 111 states that development proposals can only be refused on highway grounds where there is an unacceptable impact on highway safety, or the wider cumulative impact would be severe.

The proposed development will utilise the existing access serving the existing dwelling and the proposed garage and front driveway area is large enough to provide the required off street parking spaces and additional for the holiday accommodation. No concerns have been raised by the Local Highway Authority in relation to the proposed development, the construction phase of it or highway safety. Consequently, the development is not considered to have an unacceptable impact on highway safety and is in accordance with the requirements of Policies S47 and S49 of the CLLP and guidance within the NPPF.

Other matters

Climate change/Energy Efficiency:

Policy S13 relates to reducing energy consumption in existing buildings for all development proposals and involves the change of use or redevelopment of a building, or an extension to an existing building. It encourages the applicant to consider all opportunities to improve the energy efficiency of that building (including the original building, if it is being extended).

It states that:

Proposals which do consider and take such viable opportunities will, in principle and subject to other material considerations, be supported. In particular, residential properties which, following an extension or conversion, will achieve an improved EPC rating overall will, in principle, be supported. To gain this in principle support, a pre-development EPC should be provided as part of the application, together with evidence as to how a completed development EPC is likely to be rated.

An energy statement has been provided with the application which outlines that the proposed development will improve the energy efficiency of the building through insulation, changes to windows and doors and a possible new heating system. It also states that an electrical vehicle charging point will be provided. The details provided do not however include existing or proposed EPC ratings and consequently very limited weight can be afforded to the measures which have been set out in the statement.

Biodiversity and Geodiversity

Policy 60 relates to protecting biodiversity and geodiversity and Policy S61 to biodiversity opportunity and delivering measurable net gains.

They collectively seek to

a) protect, manage, enhance and extend the ecological network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;

b) minimise impacts on biodiversity and features of geodiversity value;

c) deliver measurable and proportionate net gains in biodiversity; and

d) protect and enhance the aquatic environment within or adjoining the site, including water quality and habitat.

Although the proposed development is not considered to materially relate to these policies or their requirements, a landscaping plan has been submitted which states that habitat improvements will be undertaken with ecologist advice and will include installation of bat, bird and owl box's. However, while this is a welcome addition to the proposed development, no specific detail has been provided in terms of type of planting and how biodiversity will be protected, managed and enhanced as a result of it. Very limited weight can therefore be afforded to this element of the proposals.

Conclusion and Planning Balance:

The development has been assessed against the following Local Plan Policies and relevant guidance within the NPPF and NPPG, with full weight being afforded to them.

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S5: Development in the Countryside

Policy S6: Design Principles for Efficient Buildings

Policy S13: Reducing Energy Consumption in Existing Buildings

Policy S20: Resilient and Adaptable Design

Policy S21: Flood Risk and Water Resources

Policy S43: Sustainable Rural Tourism

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S50: Community Facilities

Policy S53: Design and Amenity

Policy S60: Protecting Biodiversity and Geodiversity

Policy S61: Biodiversity net gain.

Consideration has also been given to all representations. As a result of the assessment undertaken it is considered that the application has not been submitted with comprehensive evidence which proves beyond reasonable doubt that the facility is demonstrably no longer fit for purpose, or the site is not viable for use as a public house, visitor accommodation or redevelopment of a new community facility. Nor does the proposal include the provision of a new community facility.

However, it is plausible, on the balance of probability to conclude that the circumstances surrounding the refurbishing and re-opening of the Queens

Head as a going concern, tourism use or other community facility are unlikely to be viable options. Consequently, matters relating to the provisions of criteria a) of Policy S50 and Policy S43 are considered to be finely balanced, but it is possible that the proposal meets with the criterion.

Additionally, no comprehensive evidence has been submitted to demonstrate that the public house facility provided by the Queens Head is already provided through an alternative provision, within a reasonable proximity. However, when considering the facts of this site, and the number of public houses within neighbouring settlements; it is plausible to conclude on the balance of probability that alternative provision exists. The Queens Head is in a fairly remote, countryside location which will rely upon passing motor trade, as the population in North Kelsey Moor is unlikely to sustain the business. By contrast, alternative provision is found within existing settlements, an arguably more sustainable location. This matter is nevertheless considered to be subjective and consequently, matters relating to the provisions of criteria b) of Policy S50 are also finely balanced.

The evidence submitted with the application is also not considered to comprehensively justify that the building can no longer be used for the purpose for which it was originally built, or last used. However, it is plausible on the balance of probability to conclude that the marketing exercise undertaken proportionately demonstrates that there was no serious demand shown for the Queens Head to be used for other business purposes. The heritage statement submitted also confirms that the Queens Head has a local level of architectural and historic merit, and the proposed alterations and additions are justified as they will enhance the character and appearance of the building. Consequently, the proposed development is considered to meet the requirements of Policy S5 part (a).

Overall, it is considered that the likelihood of the business successfully re-opening is low, and would be unlikely to be a sustainable, longer term success, with more sustainable alternatives in close proximity. It is considered overall, that the development may comply with policy S50.

Additionally, subject to conditions, the proposed development is considered to be in accordance with the provisions of the Local Plan Policies in relation to all other material considerations. These matters therefore weigh in favour of the development and especially that afforded to the proposed development in enhancing the character of the building and its local significance. Nevertheless, this weight, is not considered to outweigh the principle policy requirements.

It is therefore concluded that the proposed development can meet some of the provisions of the Local Plan Policies and where a possible departure is considered, local circumstances can be afforded weight to justify support for it. On this basis grant of permission subject to the following conditions is therefore recommended.

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

None.

Conditions which apply or are to be observed during the course of the development:

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings:

- LDH1539 09 – Site Layout/Block plan received 05/09/23
- Site location plan received 08/03/24
- LDH1535/06A Proposed first floor plan received 08/03/24
- LDH1535/05B Proposed ground floor plan received 08/03/24
- LDH1535 08 Proposed North and West elevations received 23/06/23
- LDH1535 07 Proposed South and East elevations received 23/06/23

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with Policy S53 of the 2023 Central Lincolnshire Local Plan

3. Prior to their installation details of all external materials, including windows and doors to be used in the exterior of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the agreed materials.

Reason: To ensure appropriate materials are used for the character and significance of the building and its surroundings, have a low environmental impact and high energy efficiency in accordance with Policies S13, S53 and S57 of the 2023 Central Lincolnshire Local Plan and guidance within the NPPF and NPPG

4. Prior to the completion of the development or occupation of the dwelling as hereby approved, a scheme of hard and soft landscaping including boundary treatments has been submitted to and approved in writing by the Local Planning authority. Details submitted should include the size, species and position or density of all trees and planting, site surfaces, fencing and walling.

The approved scheme shall then be carried out in the first planting and seeding season following the occupation of the dwelling or completion of the development (whichever is the sooner); and any trees or plants which within a period of 5 years from the completion of the development die, or removed or become damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that landscaping and boundary treatments contribute to the character and biodiversity value of the area in accordance with Policies S53 and S60 of the Central Lincolnshire Local Plan and guidance within the NPPF.

5. The proposed development shall be completed in accordance with the flood resilience measures set out in section 5.0 of the Flood Risk assessment undertaken by Roy Lobley Consulting and dated March 2023.

Reason: To ensure the development is safe for its lifetime and does not increase flood risk elsewhere in accordance with Policy S21 of the Central Lincolnshire Local Plan and guidance within the NPPF.

Conditions which apply or relate to matters which are to be observed following completion of the development:

6. The annexe and holiday accommodation hereby approved and shown on drawing Nos LDH1535/05B and LDH1535/06A shall only be occupied as ancillary short-term accommodation in connection with the residential dwelling hereby approved and the building currently known as Queens Head Station Road North Kelsey Moor Market Rasen LN7 6HD, and shall not be used separately as a dwellinghouse.

Reason: To prevent the annexe being occupied as a separate dwelling house in accordance with Policies S5, NS27 and amenity considerations set out in Policy S57 of the CLLP and guidance within the NPPF.

7. Notwithstanding the provisions of Classes A, AA, B, C, D, E and G of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking and re-enacting that Order, the dwelling, annex and holiday accommodation hereby permitted shall not be altered or extended unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the living conditions of adjoining dwellings and the resulting amount of space around the dwelling in accordance with Policy S53 of the Central Lincolnshire Local Plan and guidance within the NPPF.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report