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PLANNING STATEMENT

**IN RESPECT OF A FULL PLANNING
APPLICATION AND AN APPLICATION FOR
LISTED BUILDING CONSENT FOR THE CHANGE
OF USE OF A PUBLIC HOUSE, OWNERS' LIVING
ACCOMMODATION AND BED AND BREAKFAST
FACILITY INTO TWO DWELLINGS**

AT

**THE DOG AND PARTRIDGE PUBLIC HOUSE,
TOSSIDE, BD23 4SQ**

Prepared by: Colin Sharpe
Our Client: Mr & Mrs T Gridley
Our Ref: Gri/754/2103/GH
Date: 18 July 2016



Chartered Surveyors ■■■ Planning & Development ■■■ Land Agents
Valuers ■■■ Property Agency ■■■ Property Management



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1. INTRODUCTION AND BACKGROUND INFORMATION

- 1.1 Gary Hoerty Associates has been instructed by Mr & Mrs T Gridley to submit a full planning application for the change of use of the Dog and Partridge Public House, owners' living accommodation and bed and breakfast facility into two dwellings.
- 1.2 In addition to this Planning Statement we have submitted the following information to support this application:
- Location Plan
 - Existing and proposed site plan
 - Heritage Statement
 - Statement on Financial Matters (Exempt Information)
- 1.3 In this Planning Statement we set out the following:
- A description of the application site and its surroundings.
 - A detailed description of the proposed development.
 - A detailed description of the planning and operational history of the property.
 - A consideration of the proposal against national planning guidance and local planning policies.
 - Reference to similar developments within Ribble Valley that have been approved.
 - Summary and Conclusions.

2. THE APPLICATION SITE AND SURROUNDINGS

- 2.1 The application relates to the public house and car park of The Dog and Partridge public house on the north side of the B6478 in the small settlement of Tosside. The site is adjoined to the west by open fields; to the north (rear) by open land and dwellings off Longtons Lane; to the east by St Bartholomew's Church and its grounds; and to the south (on the opposite side of the road) by a development comprising two dwellings and a holiday let on a site formerly occupied by a commercial garage and one dwelling. The Community Hall, known as the "Tosside Community Link" is on the opposite side of the road to the south east of the application site.
- 2.2 The Dog and Partridge and the adjoining Church are both Grade II Listed Buildings; and the whole of Tosside is within the Forrest of Bowland Area of Outstanding Natural Beauty (AONB).
- 2.3 The Dog and Partridge is a traditional country pub of squared water-shot sandstone construction with a stone slate roof. It is a two storey, four bay

building with an off-centre front entrance porch and a secondary entrance at the western end of the front elevation.

- 2.4 At the rear, behind the lean-to single storey former stores and outbuildings attached to the historic building, is a two storey modern extension connected into the upper main floor by a glazed link. This was authorised and built in 2005 and is an attractive extension that is visually separate from the main historic building.
- 2.5 This new part of the building currently provides three en-suite bed and breakfast guest bedrooms at first floor, including a family or group bedroom, and a cafe area at ground floor. There is a ground floor entrance and foyer area, leading from the rear external parking and seating area.

3. THE PROPOSED DEVELOPMENT

- 3.1 The application seeks full planning permission for the change of use of the building to form two dwellings.
- 3.2 The larger of the two dwellings would occupy the main original front part of the building and would comprise kitchen, lounge, two snugs, utility/boiler room and two storage rooms on the ground floor. Six bedrooms, dressing room and two bathrooms on the first floor with an attic room at second floor level.
- 3.3 The smaller of the two dwellings would be formed in the more recent addition to the rear of the main building and would comprise lounge/diner, kitchen, hall, study/office, laundry room and w.c. on the ground floor, and three bedrooms, all with en-suite facilities, on the first floor.
- 3.4 The proposal does not require any alterations to the external appearance of the building. All existing door and window openings would be retained and utilised to serve the rooms of the two dwellings; and no additional openings are either required or proposed.
- 3.5 Internally, the proposed conversion scheme requires only three doors between the old and new parts of the building to be blocked up. Details of this internal work are submitted with the application; and will also be the subject of a separate application for Listed Building Consent.
- 3.6 Each of the dwellings would be provided with its own residential curtilage, access and parking spaces as shown on the submitted plans.

4. PLANNING HISTORY

- 4.1 The following is a list of the most recent planning applications relating to the site, the first five of which were submitted by different applicants prior to our clients' purchase of the property in 2003:

- 1) 1997/0688 – Change of use of function room to living accommodation - approved
- 2) 1997/0689 – Change of use of function room to living accommodation (LBC) – Granted
- 3) 1998/0216 – Change of use from public house to bed and breakfast and dwelling – refused
- 4) 1998/0595 – Change of use to form guest house with cafe bar – refused
- 5) 1999/0110 – Change of use to a single dwelling – refused
- 6) 2004/0323 – Demolition and rebuilding of restaurant with first floor accommodation over and alterations to lean-to toilets and construction of bottle store – Approved with conditions.
- 7) 2004/0611 – Listed Building Consent (LBC) application for the removal of part of the external stone skin on the front and rebuilding first floor extension with pitched roof, new lean-to extension to form a bottle store and other minor alterations – Listed Building Consent Granted.
- 8) 2005/0282 – Porch on front elevation – Approved with conditions.
- 9) 2005/0283 – Porch on front elevation – LBC Granted with conditions.
- 10) 2008/0196 – Change of use of part of existing ground floor to mountain bike storage and service area – Approved with conditions.
- 11) 2012/0729 – Change of use from public house, bike hire and dwelling to hotel, bike hire and dwelling – Refused and appeal dismissed.

4.2 The following applications relate to the site of the former commercial garage, “Smithy Garage” on the opposite side of the road to the south of the application site:

- 1) 2007/1105 – Construction of 3 holiday cottages, change of use of outbuildings to a holiday cottage and alterations to dwelling – Refused
- 2) 2008/0125 – Construction of 3 holiday cottages, change of use of outbuildings to holiday cottage and alterations to dwelling (resubmission) – Approved with conditions.
- 3) 2009/0640 – Extensions and alterations to dwellings, creation of new vehicular access and access alterations; erection of one dwelling, conversion of building to form holiday cottage and change of use of paddock to residential curtilage – Approved with conditions

4) 2010/0128 – Replacement house type at Plot 2 – Approved with conditions

- 4.3 We are of the opinion that a consideration of the planning history of the application site and the Smithy Garage site as outlined above provide some context for the consideration of this current application. We therefore refer to the previous applications below as appropriate.
- 4.4 Application 1998/0216 for the change of use of the public house to bed and breakfast and dwelling was refused for reasons that the development would lead to the loss of a community facility and would be detrimental to the rural economy; and that insufficient evidence had been provided to indicate that adequate attempts had been made to secure an alternative employment use or maintain the existing use. In relation to this refusal we would make the following points:
- As long ago as 1998, a previous owner of this public house considered it appropriate and necessary to seek its change of use to bed and breakfast and a dwelling. We would suggest that, had that previous owner been able to run a profitable public house, he would not have submitted that application. He still sought to retain some tourism related business (the bed and breakfast).
 - There is an indication in the reasons for refusal that, had sufficient evidence been provided, the application might have been approved.
 - There is no reference in the reasons for refusal of any negative impacts of the proposed change of use on either the function or the fabric of the Listed Building.
- 4.5 The same previous owner then submitted application 1998/0595 for the change of use of the public house to form a guest house with café/bar and dwelling, in order to retain a larger business element at the property than in his previous application. The application was, however, refused for the reason that the reduced scale of the community facility (through the loss of the public house) would result in loss of vitality and viability of Tosside Village and would damage the rural economy. In relation to this refusal we would make the following points:
- The previous owner appears to have been genuinely seeking to retain a business/tourism facility but was prevented from doing so by the planning refusal.
 - The Council's planning officer considered the proposal to be acceptable, but his recommendation of approval was overturned by Committee.
 - Again, there is no reference in the reason for refusal to any detrimental effects on the Listed Building.
- 4.6 A different previous owner then sought permission for the change of use of the public house to a dwelling with no retained business element (1999/0110).

Permission was refused for a reason similar to that given for the refusal of the previous application. In relation to this refusal, we would make the following points:

- The applicant was a new owner who, it would appear, also had difficulty operating a viable public house business.
- It is evident from the Committee Report that no evidence was submitted with the application that any attempt had been made to market the property for continued commercial use prior to the submission of the application. As this was contrary to a requirement of Policy EMP11 of the Districtwide Local plan, we accept that that particular application had little chance of approval.

4.7 The remaining previous applications have all been submitted by our clients following their purchase of the Dog and Partridge in 2003.

4.8 Applications 2004/0323 and 2004/0611 sought planning permission and Listed Building Consent for a development at the rear of the Listed Building involving the demolition and rebuilding of restaurant with first floor accommodation over and alterations to lean-to toilets and construction of bottle store. Both applications were approved and the development has been carried out. The new part of the building formed by this approved development currently provides three en-suite bed and breakfast guest bedrooms at first floor level, including a family or group bedroom, and a café/breakfast room on the ground floor. There is a ground floor entrance and foyer area leading from the rear external parking and seating area. In relation to these two permissions we make the following comments:

- The considerable financial investment in building the extension to provide bed and breakfast accommodation (in order to supplement any income from the public house) is ample proof of our clients' intention to operate a tourism and local community based business at the Dog and Partridge. Their considerable financial investment in the fitting of a commercial kitchen is further proof of their intentions and commitment.
- Our clients have sought in their advertising to take advantage of their location close to the Gisburn Forest bike trails, as evidenced by their website.

4.9 In seeking to take further advantage from their proximity to the bike trails, our clients obtained planning permission for the change of use of part of the ground floor to a mountain bike storage and service area (2008/0196). This permission was implemented for some time and is a further example of our clients' continued efforts at operating a viable business from the property. In the longer term, however, this venture did not prove successful as the cyclists using the trails generally bring with them all the bikes and equipment that they need.

- 4.10 As the bike storage, hire, sales and servicing part of the business was not the success for which they had hoped, our clients submitted a further planning application in 2012 (2012/0729) for the change of use from public house, bike hire and dwelling to hotel, bike hire and dwelling. In simple terms this proposal involved utilising the new rear part of the building as a hotel with café/bike shop, but also using the existing commercial kitchen in the main older part of the building in association with this proposed “business” part of the building. The remainder of the main historic building was to be used as a private dwelling by our clients.
- 4.11 That application was refused for the following reason:
The proposed development is contrary to Policies G1, G4(c), ENV1, H15 (iv) and RT1 (i) of the Districtwide Local Plan, the Council's adopted Supplementary Planning Guidance Note Retention of Public Houses in Rural Areas, Policies DMG1, DMG2, DMH3, DMH4 and DMB3 and Key Statements EN2 and EC3 of the Core Strategy 2008/2028 Regulation 22 Submission Draft, and guidance within paragraph 28 of the NPPF. If approved, the development would lead to the loss of a valuable community facility, without sufficient justification, which would be to the detriment of the rural economy and vitality of the area, and would impact on the provision of suitable tourist facilities within this particular area of the Forest of Bowland AONB.
- 4.12 An appeal against the refusal was dismissed. We consider an examination of the reason for refusal and certain aspects of both the officer's report to committee and the Appeal Inspector's Decision Letter to be relevant to the consideration of this current application.

THE REASON FOR REFUSAL

- 4.13 The application was refused on 18 January 2013 prior to the adoption of the Council's Core Strategy in December 2014. The policies of the Districtwide Local Plan and the SPG “Retention of Public Houses in Rural Areas” are therefore no longer part of the Development Plan and need not therefore be taken into account in the determination of this current application. The Policies and Key Statements of the Submission Draft Core Strategy that are referred to in the Reason for Refusal have been incorporated into the adopted version of the Core Strategy and are therefore relevant to the consideration of this current application. Paragraph 28 of NPPF also, of course, remains applicable.

OFFICER'S REPORT TO COMMITTEE

- 4.14 The report refers to the receipt of 31 letters of objection and a petition signed by 45 people, the contents of which are summarised by 24 points in the report. In the Appellant's Grounds of Appeal Statement for the subsequent Appeal, our client Mrs Gridley responded to those objections as follows:

"In response to the refusal of our planning application, and addressing the negative issues raised in the objection letters, I offer the following. We still are and have made every effort to keep this business running, even at a loss for so long! Over 9 Years. We are not proposing to loose the pub as a community facility the business is just being transferred to an area which is new build, is up to present insulation regulations, which makes it more cost effective to heat etc. It fulfils Health and safety and modern requirements to run a small business in the attempt to make it profitable.

We purchased the Dog and Partridge November 2003 we ran it as a bar until February 2004, to get the feel of the clientele. We closed for complete refurbishment including re wiring, plumbing, none slip floors, new gents and ladies wcs, a commercial kitchen, bar, complete new cellar cooling equipment, pumps etc, we spent hundreds of thousands of pounds of our own money making it what it is today.

We re-opened December 2004, operating Tuesdays - Sundays Bar and started food in May 2005 Fridays-Sundays. This increased in 2006 to Thursdays-Sundays and then in 2007-2011 we opened Wednesdays-Sundays.

We stopped doing food during the week, in winter 2011 but still continued at weekends because the amount of business was not making it viable. The recession and fuel increases have hit us hard due to our rural location.

We opened Whelpstone Cafe in 2008 2009 2010. Put up directional signs and boards to advertise, but these were constantly being ripped down and destroyed. The website was created for the Dog and Partridge and Whelpstone cafe to promote the business. We took professional advice and created Gisburn Forest Bikes @ Dog and Partridge so when someone went to 'google' Gisburn Forest we came up. We started getting people staying from up and down the country. Appendix 11 Receipts for website and new signs We used the new website and signs to promote and advertise the new business, we started selling helmets, gloves etc and doing mountain bike hire to attract tourists to the area, put in free bike wash facilities.

In 2005 we built the extension at the rear of the property to enable us to take in paying guests. This clearly contradicts the resident's claims that were we deliberately running a business down! We have worked our socks off trying to diversify to keep this business.

Ex employee Claire Robinson states pool/darts were profitable, obviously she did not realise that what you take over the bar is not profit, its turnover, out of that you have wages, light, heating, cost of the beer, cost of the ingredients to give as a free supper, add all this up and deduct from the takings, it was not profitable! If it had been we would not have stopped pool and darts winter 2011.

I confirm that pool was set up at the Community Hall whilst we had 2 teams playing at the Dog and Partridge. This was 2 years before we stopped opening on a Wednesdays and Thursdays. I also wish to clarify that pool was not established at the Dog and Partridge stated in the objection letter when we purchased it. Nor did the previous owner Betty Rigby of 5 years have a pool team or even a pool table! It was closed for 18 months previous to this. Residents state the Dog and Partridge was a successful business before we purchased it. Please note the rateable value was then £1550 per annum which is very low. Rateable values increase as businesses become more profitable.

Some residents state that we did not join in, this is a contradiction see petition page 5 which confirms that we always did supper for the bonfire night up until 2yrs ago when the Community Hall decided to do it themselves. The Halloween Party at the D&P; I will confirm that I always will and always did stick to the licensing hours. Last orders are 11 o'clock (it would have been abused if I would have allowed it). The bar staff including myself always had confrontation issues when calling last orders.

Tosside Community Hall was built in 2004 to replace the Institute. The Institute did not have a bar, we were asked to do the bar at the Community Hall when they had functions but when it looked like we were making money they asked us for a percentage or a contribution of the takings. They applied for their own licence to which no locals or anyone else but us objected.

We opened at Christmas for 5yrs. It was not the profitable time of year people expect. We now take our annual holidays over Christmas as this is the most expensive time of year for us to heat the premises and with the adverse weather conditions it does not attract the tourists."

- 4.15 We consider that the above comments from our client should be given full and proper consideration in the event that similar objections are received from local residents in relation to this current application.
- 4.16 The case officer made the following two points at the beginning of his consideration of the proposal:
- The main consideration with regards to this application is the loss of the remaining Public House within Tosside, whether there has been sufficient justification provided in support of this and whether the benefits of the proposed new use outweigh the loss.
 - The scheme proposes no alterations to the property, a Grade II Listed Building, as part of this application, and there are no issues in relation to the proposals impact upon the amenity of the occupiers of adjacent dwellings or its impact upon highway safety at this location.

- 4.17 With regards to the second of those points, this current application also does not involve any alterations to the exterior of the listed building and, internally, would require just three doors to be blocked up. No new door openings or the removal of any sections of wall are necessary or proposed. With regards to the effects upon the “fabric” of the listed building, we therefore consider this new application to be acceptable.
- 4.18 Also in relation to the second point above, in our opinion, the proposed use of the building as two dwellings would have less of an impact upon both highway safety and the amenities of nearby residents than the effects of the previous “mixed use” proposal that the planning case officer considered to be acceptable.
- 4.19 In his concluding paragraph, the case officer for application 3/2012/0729 commented that the information submitted with the application was not considered to be sufficient to fully justify the assurances of the applicant that the business is not considered to be economically viable. We do not necessarily concur with the case officer’s conclusion in respect of this particular aspect of the previous application; and we would respectfully suggest that perhaps too much weight was given to the (in some instances unfounded) comments and allegations of local residents, and too little weight to the factual evidence submitted by our clients.
- 4.20 Notwithstanding the above comment, in order to address this requirement for the current application we have submitted Profit and Loss Accounts for the years 2008 to 2016 and details of takings for the bar and food for four weekends in June and July 2016. This evidence will be discussed in detail in Section 6 of this Planning Statement.

APPEAL DECISION LETTER

- 4.21 The Appeal Inspector stated that the main issues in the consideration of the Appeal were:
- i) Whether the proposed change of use would preserve the special architectural or historic interest of the listed public house and would safeguard the character and appearance of the Forest of Bowland Area of Outstanding Natural Beauty; and
 - ii) Whether the effect of the proposal on the provision of community and tourist facilities in the local area, the rural economy and the vitality of the area would be justified, in accordance with development plan policies and the associated guidance.
- 4.22 The first of these issues, of course, did not form a part of the Council’s reason for refusal of the application. Therefore, prior to the decision being made, the

Inspectorate emailed the case officer for the application and our client's previous agent in the following terms:

"The Inspector as decision maker has a statutory duty under s66(i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

As such in addition to the issues raised in the Council's decision notice, a further main issue that she will take into account in determining the appeal will be:

"Whether the proposed change of use will preserve the special architectural or historic interest of the listed public house."

The parties were given the opportunity to comment on this aspect of the case, in response to which the previous agent commented:

"No internal physical alterations to the building are required to effect the change of use except for the removal of a partition wall to the existing ground floor office in the modern extension at the rear of the building and the relocation of the modern bar fitting from the existing lounge of the public house to the proposed guest lounge/dining area. None of these works involve any alteration to the historic fabric of the building. There are no proposed external alterations to the building or its curtilage. We have demonstrated that the public house side of the business is not viable. The change of use from public house, bike hire and dwelling to hotel, bike hire and dwelling will provide a viable use which will secure the long term future of the building."

4.23 Notwithstanding that this had not been an issue in the determination of the planning application (and had not been included as a reason for refusal of any previous applications at the site) the Inspector devoted 16 paragraphs of her Decision Letter to the matter. The following are some of the pertinent points made in this part of the letter:

- a. The Dog and Partridge is a traditional country pub, which is listed Grade II. The Dog and Partridge pub is one of the most prominent buildings in Tossie; it sits at its heart in an attractive roadside setting, close to the Church, the community centre and the historic stone marker at the central road junction. In this context, it is a designated heritage asset of considerable significance; both due to its architectural interest and its traditional function within the settlement.
- b. The proposal is for changes of use within various parts of the building, but with no physical alterations.
- c. At the rear, behind the lean-to single storey former stores and outbuildings attached to the historic building, is a two storey modern extension connected into

the upper main floor by a glazed link. This was authorised and built in 2005 and is an attractive high quality extension that is visually separate from the main historic building. This new part of the building currently provides three en-suite bed and breakfast guest bedrooms at first floor, including a family or group bed room, and a café/bike shop area at ground floor. The proposal is to re-focus the public facility into this rear extension as a hotel, with the café/bike store area at ground floor converted for a bar/dining area and the bike hire provision moved to a store behind the main building. The purpose-built bed and breakfast accommodation and the ground floor catering kitchen in the historic building would both remain unchanged.

- d. As a result of the proposal, the main historic building, the two storey public house, would become wholly residential and would be used as a private dwelling for the appellant. The reconfigured hotel and bike hire accommodation would be wholly within the new rear part of the building with access via the rear courtyard area.
- e. The National Planning Policy Framework (the Framework) sets out that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. An applicant should be required to describe the significance of any heritage assets affected to enable an understanding of the potential impact of the proposal on their significance. **No heritage assessment of the listed building has been provided, other than its listing description and this provides little information as to its history, the original layout of the spaces within the building or their functions.**
- f. From what I have seen, at present **the use of the main historic part of the building seems to have remained largely as it was built** (albeit that some layout alterations have been made) with the ground floor in use as a public house and the upper floor in residential use.
- g. Although no physical alteration would be made, the functional significance of the building **(which from the list description, was purpose built as a public house)** and its central status in village life would be lost through the proposal. With the proposed change of use, all of the historic ground floor accommodation would be removed from public access and the traditional use of the public house would be fundamentally altered. **Thus, the change of use at the main ground floor of the building would cause substantial harm to the special historic interest of the listed building, through the loss of its historic function as a public house.**
- h. This would also cause a small degree of harm to the character and appearance of the AONB.
- i. The Framework requires a balanced judgement to be taken having regard to the scale of harm and the significance of the heritage asset. Great weight should be

given to the asset's conservation. In this case, I judge that the harm arising from the proposed change of use would be substantial.

- j. If the building was to fall out of use and, where no viable use that would enable its conservation can be found in the medium term through appropriate marketing, then, in such circumstances, the Framework requires the harm arising from the proposal to be weighed against the benefit of bringing it back into use.
 - k. In terms of the effect on the listed building, even if it was necessary to alter the balance of residential to commercial space, the current proposal would not be the only means of achieving this and I conclude that it would fail to preserve the special historic interest of the listed building.
- 4.24 The Inspector has therefore accepted that the proposal would not cause harm to the fabric of the Listed Building, but considered the loss of the "function" of the ground floor of the historic part of the building (as a public house) to represent a justifiable reason to dismiss the appeal.
- 4.25 In ideal circumstances we would not disagree with the Inspector's intentions, but she accepted that her understanding of the historic function of the building was based on somewhat limited evidence (see points (e), (f) and (g) above). To address point (e) a Heritage Statement has been submitted with this application. We have also submitted further evidence which indicates that the building has NOT always been used as a public house, but has had various uses over the years, as different owners have reacted to changed circumstances. In response to point (f) our evidence indicates that the use of the historic part of the building has NOT remained largely as it was built. Therefore, in our opinion, the Inspector's conclusion at point (g) is not supported by the evidence. The proposed use of the main ground floor of the building as a dwelling would lead only to the loss of the **current** function, NOT its only historic function. The historic evidence that we have submitted to support this current application will be discussed in more detail in Section 6 of this Planning Statement; and the evidence itself is appended to the Statement.
- 4.26 Under the heading "Viability, Tourism and Community Facilities" the Inspector considered the second of the two main issues that she had identified. In short she considered that insufficient information had been provided to support the contention that the continued operation of a public house in the historic part of the building was not viable. We consider that, with this current application, we have provided sufficient financial evidence (within a separate "Exempt Information" Financial Statement) to support that contention.
- 4.27 The Inspector also commented that, as the appellants were looking to re-focus the business, rather than close it, they had not sought to sell the property as a business and that, as such, no evidence of marketing was submitted with the application. As this current application does seek to close the business, details of marketing

are included with the submitted application documents, and will be discussed in Section 6 of this Planning Statement.

SMITHY GARAGE HISTORY

- 4.28 As shown at paragraph 4.2, permissions were first granted for developments of holiday cottages and then for a development comprising one dwelling and one holiday cottage. With the most recent permission having been implemented, there is now a dwelling and a holiday cottage where, in the past, there used to be a general store, post office and petrol filling station. It therefore appears evident that Tosside, and the location in more general terms, had been unable to support the viable provision of petrol, food and general provisions, and post offices services, such that the businesses ceased operating, to be replaced by what is a primarily residential use.
- 4.29 We would make the point that the three services previously provided at the Smithy Garage site are all more important to the general level of attractiveness of a settlement and the quality of life of its residents than the provision of food and drink in a café, restaurant or public house. The loss of those services, however, is a result of changing economic times and, whilst regrettable, has had to be accepted by local residents. We contend that the difficulty being experienced by our clients in operating a viable public house/restaurant is also the result of changing times and is absolutely no fault of their own. We would further contend that the loss of the public house/restaurant (which is partly due to it not being used by local residents anyway) would have significantly less of a detrimental effect on local residents than the loss of the more fundamental services previously provided on the Smithy Garage site.

5. PLANNING POLICY CONSIDERATIONS

5.1 General

- 5.1.1 Local Planning Authorities are required to determine planning applications in accordance with the statutory development plan unless material considerations indicate otherwise. In order for this planning application to be approved it must satisfy, as far as possible, the guidance contained within the National Planning Policy Framework (NPPF Adopted March 2012) and the relevant policies of the Ribble Valley Core Strategy (Adopted December 2014).
- 5.1.2 We set out below extracts from the relevant documents in order to assess the planning application against all the appropriate policies and guidance.

5.2 National Planning Policy Framework (NPPF)

- 5.2.1 The main national planning policy guidance is set out in the National Planning Policy Framework (NPPF).

National Planning Policy Framework (NPPF)

- 5.2.2 The adoption of the National Planning Policy Framework in March 2012 means that it is now the main national planning policy guidance influencing planning decision making and replaces a substantial number of documents previously in place. *“The National Planning Policy Framework sets out the Government’s planning policies for England and how these are expected to be applied, it sets out the Government’s requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so.”*
- 5.2.3 Paragraphs 11 – 16 of the NPPF highlight the presumption in favour of sustainable development confirming that *“planning law requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise”*. The NPPF does not change the statutory status of the development plan as the starting point for decision making and therefore proposed development that accords with an up to date local plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It also highlights the desirability of local planning authorities having an up to date local plan in place. Ribble Valley does have an up to date local plan in place.
- 5.2.4 Importantly, paragraph 14 of the NPPF states:

*At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

For plan-making this means that:

- *local planning authorities should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*

5.2.5 Paragraph 14 clearly spells out the Government's presumption in favour of allowing sustainable development unless the adverse impacts of doing so would be very significant.

5.2.6 Paragraph 15 states:

"Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally."

5.2.7 Paragraph 19 states:

"The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."

5.2.8 Paragraph 28 states:

"Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;*
- *promote the development and diversification of agricultural and other land-based rural businesses;*

- *support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and*
- *“promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.”*

5.2.9 Paragraph 55 states:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- ***where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or***
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - *reflect the highest standards in architecture;*
 - *significantly enhance its immediate setting; and*
 - *be sensitive to the defining characteristics of the local area.”*

5.2.10 Paragraph 126 states:

“Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and

conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
- the desirability of new development making a positive contribution to local character and distinctiveness; and*
- opportunities to draw on the contribution made by the historic environment to the character of a place."*

5.2.11 Paragraph 128 states:

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary."

5.2.12 Paragraph 134 states:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use."

5.2.13 Annex 1 of the NPPF provides guidance on the implementation of the policies in the framework which are applicable from the day of publication. It identifies that for the purpose of decision taking the policies in the local plan should not be considered out of date simply because they were adopted prior to the publication of this framework. However, it goes on to state that the policies contained in this framework are material considerations which local planning authorities should take into account from the day of its publication and that plans need to be revised to take into account the policies in the framework.

5.2.14 Ribble Valley Borough Council, of course, has a Core Strategy that has been adopted since NPPF came into force which, therefore, by definition is compliant with the requirements of NPPF.

5.3 Ribble Valley Core Strategy

5.3.1 The Policies and Key Statements of the (now adopted) Core Strategy and the national guidance that are mentioned in the Reason for Refusal of the previous application (2012/0729) are as follows:

Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMH3 – Dwellings in the Open Countryside and AONB
Policy DMH4 – The Conservation of Barns and other Buildings to Dwellings
Policy DMB3 – Recreation and Tourism Development
Key Statement EN2 – Landscape
Key Statement EC3 – Visitor Economy
NPPF – Paragraph 28

Although not referred to in the Reason for Refusal, the following were stated as “Relevant Policies” in the Committee Report:

Policy DME2 – Landscape and Townscape Protection
Key Statement DS1 – Development Strategy
Key Statement EN5 – Heritage Assets

We consider it worthy of note that Policy DME4 – Protecting Heritage Assets, is not mentioned in either the Committee Report or the Reason for Refusal.

- 5.3.2 Where they remain applicable, we will discuss below why we consider this current application to be compliant with the policies and guidance against which the previous application was considered.
- 5.3.3 We do not consider that the current application would contravene any of the requirements of Policy DMG1 relating to design, access, amenity or infrastructure. In relation to the environmental requirements, the only one that is of relevance is the need to protect and enhance heritage assets and their settings. As stated above, the previous application was not considered to contravene this requirement and, for reasons to be given in Section 6 of this Statement, we consider this current application to also be compliant in relation to this particular requirement.
- 5.3.4 We do not consider that the proposal would cause any serious harm to the Council’s development strategy and will therefore comply with the principal intention of Policy DMG2. In respect of the location of the site within the AONB, it is stated that regard will be paid to the economic and social well-being of the area, but that the most important consideration will be the protection, conservation and enhancement of the landscape and character of the area avoiding where possible habitat fragmentation. We consider that the proposal does not have any effects upon the landscape or habitats; and, for reasons that we state in Section 6 of this Statement and in a separate “confidential” Financial Statement, we consider the application to be acceptable with regards to its effects upon the economic and social well being of the area.

- 5.3.5 We consider the proposal to convert the building to form an additional dwelling (to the existing manager's dwelling) to be fully compliant with the relevant second requirement of Policy DMH3.
- 5.3.6 The proposal satisfies all of the requirements of Policy DMH4. The only requirement that requires further discussion relates to the effects on the local economy. This will be covered in Section 6 of this Statement and in the "confidential" Financial Statement.
- 5.3.7 Policy DMB3 is not relevant to this application.
- 5.3.8 We consider the proposal to be fully compliant with Key Statement EN2 in that it would have no significant effects upon the landscape of the AONB.
- 5.3.9 Key Statement EC3 is not relevant to this application.
- 5.3.10 The requirement of Paragraph 28 of NPPF to promote the retention of local services and community facilities will be discussed in Section 6 of this statement and in the separate "confidential" Financial Statement.
- 5.3.11 We consider the proposal to comply with Policy DME2 and consider that it would cause no harm to the Development Strategy as defined by Key Statement DS1.
- 5.3.12 The Council's officers did not consider the previous proposal (or **any** of the previous proposals) to have any harmful effects on the Heritage Asset. We concur with that opinion and contend that it is applicable to this current application. The current proposal, therefore, does not contravene either Policy DME4 or Key Statement EN5.
- 5.3.13 Unlike the previous proposal, the current application does not propose the retention of any business use of the property. Regard, therefore, needs to be paid to Core Strategy Key Statement EC1 (Business and Employment Development) and Policy DMB1 (Supporting Business Growth and the Local Economy).
- 5.3.14 The relevant requirement of Key Statement EC1 is that *"proposals that result in the loss of existing employment sites to other forms of development will need to demonstrate that there will be no adverse impact on the local economy."*
- 5.3.15 In this Statement, and the separate "Exempt Information" Financial Statement, we consider that we have provided evidence that the level of business that has been generated by the Dog and Partridge dating from the late 1990s (under a previous owner) to the present day has been so low that the loss of the business would have a negligible (if any) adverse impact on the local economy.
- 5.3.16 The relevant requirements of Policy DMB1 are that *"proposals for the development, redevelopment or conversion of sites with employment generating*

potential in the plan area for alternative uses will be assessed with regard to the following criteria:

- The economic and social impact caused by the loss of employment opportunities to the Borough and*
- Any attempts that have been made to secure an alternative employment generating use for the site (must be supported by evidence (such as property agents details including periods of marketing and response) that the property/business has been marketed for business use for a minimum period of six months or information that demonstrates to the council's satisfaction that the current use is not viable for employment purposes). "*

5.3.17 For reasons similar to the point made at paragraph 5.3.15, the employment opportunities provided over the years by the Dog and Partridge have been minimal (with takings insufficient to support even one full-time worker). Therefore, we contend that the loss of this limited employment would have little or no economic or social impact on the Borough.

5.3.18 Evidence of marketing for an 18 month period is attached to this Statement and the lack of any meaningful response to this marketing is explained and discussed in Section 6 of the Statement. We consider that the requirement for marketing has been satisfied; and, for reasons given in this Statement and the "Exempt Information" Financial Statement, we consider that we have provided information that demonstrates that the current use is not viable for employment purposes. Although Point 5 of Policy DMB1 only requires compliance with either of its two requirements, we consider that we have provided evidence that satisfies **both**.

5.3.19 We, therefore, consider that the proposal satisfies all the relevant requirements of Key Statement EC1 and Policy DMB1.

6. EVIDENCE RELATING TO MARKETING AND HERITAGE

Marketing

6.1 The property was advertised for sale as a commercial property for the 18 month period between 20 April 2014 and 2 November 2015. Details of that advertising are appended to this Statement.

6.2 In response to the advertising, there were only two expressions of interest and both were only tentative enquiries that were not progressed. One was from a person who had no intention to operate a business, but convert it into a number of dwellings. The second was from a person who was intending to operate an alternative business, but decided quite quickly that the Dog and Partridge was not a suitable property or location for his intentions.

- 6.3 We consider that our clients have made appropriate and adequate attempts to sell the Dog and Partridge as a commercial property. They cannot be faulted for the lack of any meaningful response to the advertising. In our opinion, the very limited response is also not surprising. We do not see how anyone else could put more effort into operating the existing pub and bed and breakfast business than our clients, or how anyone else would achieve more success.
- 6.4 We also consider that there are two fundamental and related reasons why virtually no interest was shown by anyone seeking to use the property for any alternative commercial use. The first is that (other than for a tourism related use) the isolated location of the property would be unsustainable from an operational and profitability point of view. The second, related, reason is that the Local Planning Authority would also be likely to see this as an inappropriate and unsustainable location for most types of alternative commercial use. Therefore, anyone with such an intention could have difficulty obtaining the necessary change of use planning permission.

Heritage

- 6.5 A separate Heritage Asset Statement (H.A.S) has been submitted with the application.
- 6.6 The loss of the “function” of this listed building as a public house had not caused any concern to the Local Planning Authority in its consideration of any of the applications for Change of Use, including the most recent refused application 2012/0729. The Appeal Inspector for that refused application, however, did cite this as a reason for dismissing the appeal, but we consider there to be fundamental flaws in her arguments for reaching this conclusion.
- 6.7 The listing description is given at paragraph 2.3.2 of the H.A.S. This begins “public house, probably late C18th”. The Inspector stated “which from the list description, was purpose built as a public house”. We would question whether the wording of the listing description does relate to the original purpose or (in our opinion, more likely) to the use at the time the building was listed.
- 6.8 The Inspector stated that the proposed change of use of the main ground floor of the building “would cause substantial harm to the special historic interest of the listed building, through the loss of its historic function as a public house. We have appended to this Statement Notes on the History of Tosside that appeared in the Parish magazine in 1989 and 1990. These Notes make it perfectly clear that the building has not always been a public house (even if this **was** its original use) but has been used for numerous different purposes. It has changed uses over the years to adapt to different circumstances. Therefore, if this current application is approved, and this part of the building becomes part of a dwelling it would only lead to the loss of the **current** function. It would also represent the latest change of use of the building in order to respond to changed circumstances.

- 6.9 So, in our opinion, the proposed development would not cause any significant harm to the function of the Listed Building. As the works to the fabric of the building are also only minor internal works, we do not consider there to be any reasons for refusal relating to effects upon the Listed Building. The separate H.A.S. supports our conclusions on this particular aspect of the proposal.
- 6.10 The proposal will therefore lead to less than substantial harm to the Listed Building such that, as stated in PPG paragraph 134, this needs to be weighed against the public benefits of the proposal, **including securing its optimum viable use**. For reasons given in this Statement, the Heritage Asset Statement and the Financial Statement we consider that we have demonstrated that the proposal will secure the optimum viable use of this Listed Building. The proposal is therefore fully compliant with NPPF in this regard.

7. SIMILAR APPLICATIONS IN RIBBLE VALLEY

- 7.1 We consider a number of relatively recent planning permissions in Ribble Valley to be relevant to the consideration of this application.
- 7.2 Under reference 2009/0076 permission was granted in April 2009 for the change of use from Public House to residential (one dwelling) with ancillary bed and breakfast at the **Craven Heifer, Chipping Road, Chaigley**. In the Delegated Item File Report (DIFR) for that application, the case officer commented that “it is noted that attempts to run a number of pub/restaurant businesses at this site have been unsuccessful with perhaps the isolated location of the building playing a part.”
- 7.3 We consider the same comment and conclusions to be relevant to the Dog and Partridge. Although it is within the settlement of Tosside, it is a very small settlement that certainly does not have sufficient residents to support a viable public house/restaurant. The Dog and Partridge is therefore reliant upon “passing trade” to support this aspect of the business and, in that regard, it is in a more isolated location than the Craven Heifer.
- 7.4 Under reference 2012/0356 permission was granted in August 2012 for the redevelopment of the redundant public house and hotel with conference facilities to form 3 private residential properties at the **Moorcock Inn**, Slaidburn Road, Waddington.
- 7.5 At the time of consideration of that application, the buildings had been un-used since the business had closed in 2010 due to it no longer being commercially viable. The buildings were therefore in a seriously deteriorating condition. As attempts to sell the property for commercial purposes had been unsuccessful, the Council considered the conversion of the main part of the building into three dwellings (with other parts of the building being demolished) to be acceptable.

- 7.6 Permission 2012/0356 was not implemented but permission was granted under reference 2014/1119 in May 2015 for the demolition of all buildings on the site and the creation of one (large) dwelling.
- 7.7 That, more recent, permission has also not been implemented but, at the time of preparation of this Statement there is an un-determined application (2016/0587) before the Council for the demolition of the existing buildings to be replaced by four detached dwellings.
- 7.8 We consider the Moorcock to be an example of a public house/restaurant/hotel in an isolated location becoming commercially unviable and being forced to close. This led to the deterioration of the buildings before permission was granted for the use of the site for solely residential purposes. As the Dog and Partridge is a Listed Building we consider that permission should be granted for this current application in order to enable its necessary maintenance.
- 7.9 Under reference 2014/0583 permission was granted in September 2014 for the change of use to residential (4 flats) of the **Black Bull Public House, Rimington**.
- 7.10 In documents submitted with that application it was claimed that the business had been in decline since 2006 and, despite the best efforts of a number of owners, had become unviable and was closed in 2013, for the third time in five years. Attempts to sell the property had been unsuccessful. This included giving the local community the opportunity to purchase the business through its designation as an Asset of Community Value. The Council therefore considered the conversion of the public house into four flats to be acceptable and accordingly granted permission.
- 7.11 We would contend that, as Rimington is a much larger village than the small settlement of Tosside, the chances of the Black Bull operating successfully as a public house were considerably greater than the Dog and Partridge. The Council, however, accepted the evidence put forward that, despite the best efforts of a number of different owners/operators, the Black Bull could not be operated as a viable public house and granted planning permission for its conversion to residential use with no retained business use. We consider the circumstances and evidence that we have put forward for the Dog and Partridge to be similar to those of the Black Bull, and we therefore feel that this application should be similarly approved.
- 7.12 Under reference 2009/0119 permission was granted for the change of use of land and buildings from restaurant with manager's flat to 1 No dwelling at **The DeTabley Arms, Ribchester Road, Clayton le Dale**. The Council must have accepted that this property (that is in a prominent location between the A59 and Ribchester) was not capable of viable operation as a business and, therefore, granted permission for its residential use with no retained business element.

Under reference 2010/0202 permission was subsequently granted for the change of use and conversion of The DeTabley Arms to form six dwellings. This most recent permission for a more intensive residential conversion has been implemented.

- 7.13 We consider that the planning permissions that we have referred to above, are all examples of the Council's acceptance that, despite the best efforts of owners/operators some public house/restaurant businesses have proved to be unviable and the Council has accepted their change of use to residential without a requirement for any business use (with the exception of the small bed and breakfast use at The Craven Heifer). For the reasons that we have put forward elsewhere in this Statement we consider that the Council's determination of this application should be consistent with the decisions to which we have referred above.

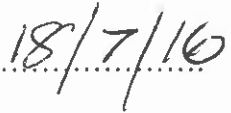
8. SUMMARY AND CONCLUSION

- 8.1 Our clients have owned and run the Dog and Partridge since 2003. During this period they have seen customer numbers to the public house continually fall over the years. They have therefore sought, at considerable expense, to diversify the business to take advantage of changed circumstances. Despite their efforts, however, their business is no longer viable. Financial details are stated and examined in a separate "Exempt Information" Financial Statement submitted with the application. We request that the information and conclusions of that Statement are also fully considered in the determination of the applications.
- 8.2 The deterioration in the business is symptomatic of the general decline of rural pubs due, amongst other things, to the increased popularity of drinking at home and the smoking ban.
- 8.3 The Dog and Partridge is not the only community facility available to the residents of Tosside. Tosside is a very small village and there are very few potential customers within walking distance of the pub. This means that most customers arrive by car. There is also another pub, The Crowtrees Inn, on the Crowtrees Holiday Park offering drinks, bar meals and restaurant with conspicuous signage advertising that it is open to non-residents. This pub is 1.4km by road from The Dog and Partridge and as such is a realistic alternative venue for local residents. The fact that it is not in the village centre in our opinion is not a relevant factor as most customers arrive by car.
- 8.4 Perhaps the greatest challenge to The Dog and Partridge as a community meeting place for villagers or as a venue for meetings of clubs and societies as might be expected to take place in a local pub, is the Tosside Community Hall which opened in 2004. This building has a licensed bar, car parking for 41 cars, a hall capable of accommodating 200 people and a room for 20 people. It also has a

catering kitchen, audio visual equipment and high speed broadband and a well-designed, regularly updated website. A list of regular activities published on their website indicates that there are activities at the Community Hall in the daytime and in the evenings. Many of the listed activities would have traditionally occurred in public houses such as games nights, quiz night, whist and dominoes. Tosside Community Hall is a very significant community facility which serves its community well.

- 8.5 Around about the same time as the Community Hall was opening our clients were obtaining planning permission for an extension to the building, in order to form bed and breakfast accommodation. This extension has been constructed and provides accommodation to a very high standard. The layout of the bedrooms etc. seeks to attract cyclists visiting the nearby Gisburn Forest Cycle Trails, a visitor attraction which, itself, has received considerable financial investment in recent years. Our clients' advertising of this element of their business also concentrates on this particular potential "market" for their accommodation.
- 8.6 Despite their best efforts, however, even this aspect of their business is not as successful as they would have hoped, because cyclists tend to come to Gisburn Forest from relatively local areas (Liverpool, Manchester, Cheshire, Lancashire, Yorkshire) enjoy their day's cycling and drive home.
- 8.7 The more recently opened cafe at Gisburn Forest has also impacted upon our clients' business; as has the Old Vicarage Tea Rooms that has been operated since planning permission was granted by Craven District Council in 2012 (72/2012/12376) for the change of use from residential to A3 use to form a tea room and tea garden selling hot and cold lunches and refreshments. Although in the neighbouring Borough, this Tea Room is less than 100m away from the Dog and Partridge.
- 8.8 Overall, similar to the other cases referred to in Section 7 of this Statement, the business has become unviable. We, therefore, request that, as in those cases, the Council grants planning permission (and in our case Listed Building Consent) for the use of the whole building for residential purposes in the form of two dwellings.
- 8.9 We would respectfully contend that no purpose would be served by the refusal of these applications as our clients could not be forced to operate an unviable business. Leaving the building with no viable use would only serve to increase the chances of the Listed Building deteriorating in condition due to lack of finances for necessary maintenance.
- 8.10 We consider that we have submitted all the necessary information to enable the application to be given proper consideration. We consider that for the reasons given in this Statement, the Heritage Asset Statement, and the Financial Statement, the proposal fully satisfies all the relevant requirements of NPPF and

the relevant policies of the Council's Core Strategy and should accordingly be approved.

Signed..........Date.....
Colin Sharpe DipTP MRTPI
For and on behalf of Gary Hoerty Associates

APPENDIX 1

Details of Marketing

Jackie Webb

From: Colin Sharpe [colin.sharpe@ghaonline.co.uk]
Sent: 19 July 2016 09:31
To: 'Jackie Webb'
Subject: FW: Confirmation from My Online Estate Agent

From: Grace Gridley [mailto:grace@dogandpartridgetosside.co.uk]
Sent: 29 June 2016 16:34
To: colin.sharpe@ghaonline.co.uk
Subject: Confirmation from My Online Estate Agent

Colin, I have received confirmation of the actual dates that our property was advertised for sale. 20/04/2014 until 02/11/2015. 18 months.. Alan from Mc Dade Roberts has sent me the email which he sent to Janet Dixon back in 2012, showing the accounts. I have asked him to forward the accounts from 2012 to date. Will keep you posted. I can come to the office next Tuesday or Wednesday this should have given him enough time to get the figures to me. Which day is best for you? kindest Regards Grace

From: MOEA Sales <Sales@myonlineestateagent.com>
Sent: 29 June 2016 12:22
To: Grace Gridley
Subject: RE: Message from Contact Us Form

Dear Mrs Gridley, Thank you for your email , I can confirm we first advertised the property for sale on the 20/4/2014 and removed it from our listing on the 2/11/2015

Kind Regards

Sandra Jones
Manager
E: Sandra@myonlineestateagent.com
T: 0333 240 2712



My Online Estate Agent.com
Manchester International Office Centre, Styal
Road, Manchester. M22 5WB



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Sent: 29 June 2016 10:50
To: MOEA Info <info@myonlineestateagent.com>
Subject: Message from Contact Us Form

Keeping it personal

my online
estate agent 

You have received a message from Mrs grace gridley

Please respond to this person using the email grace@dogandpartridgetosside.co.uk

Or telephone number **01729840668**.

The message entered is as follows:

F.A.O Sandra, Please could you email me with the date that we put the Dog and Partridge Tosside BD23 4SQ on the market with My Online Estate Agent and the date we took it off. I think it was @May2014/Oct2015. Many Thanks for all your help. Grace

www.myonlineestateagent.com **tel: 0333 240 2712**

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8 bedroom Commercial Property for sale

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8 bedroom Commercial Property for sale in Ribble Valley

Gisburn Forest, Tosside, Ribble Valley
Skipton, North Yorkshire, BD23



Property Type

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Commercial
Property

Description

Floorplan

EPC

Map

Video

Bedrooms

8

Tenure

Freehold

The Dog and Partridge is located in the small village of Tosside surrounded by marvellous scenery of Gisburn Forest.

Tosside is on the border of North Yorkshire and Lancashire. It lies within the Forest of Bowland an Area Of Outstanding Natural Beauty and is between the villages of Slaidburn in Lancashire and Wigglesworth in North Yorkshire. The village is 11.5 miles north of Clitheroe and 17 miles

northwest of Skipton.

This impressive 16th century grade 2 listed building, briefly comprises of:

Ground floor:

Two main bar areas, staff area, rear entrance hall, mens and ladies toilets, kitchen with pantry, utility room, secondary bar, study and breakfast room/retail unit.

The ground floor is rustically decorated throughout. There are exposed green oak beams, wooden and stone flagged floors. Attractive exposed stonework, fireplaces, oak window seats, spot and ceiling light points in some rooms. Fully equipped stainless steel units in the large commercial kitchen with appliances, strip lights and down lights to the work surfaces. Practical storage cupboards.

First floor:

Three separate en-suite bedrooms which are used for Bed and Breakfast, and boasts the extensive private residential living area. There is a lounge, dining room, kitchen, four bedrooms, main bathroom and additional shower/wc room.

Stairs lead to the first floor landing to the extensive private residential living accommodation, and the separate three en-suite bedrooms used for Bed and Breakfast accommodation. The private accommodation includes a lounge, dining room, kitchen, five bedrooms, four on this floor, family bathroom, additional shower/wc room, and stairs leading to the second floor. The bathroom has a four piece white suite with the focal point being an ornate free-standing bath and wooden flooring.

Again all rooms are beautifully decorated with period features such as fireplaces with surrounds, exposed wooden beams and useful storage cupboards. The en-suite bathrooms have ceiling spotlights and modern white suites.

Second floor:

Stairs with wooden balustrade give access to the second floor where the master bedroom is situated, another room which is immaculately presented with Velux windows, carpeted flooring and extensive eaves storage.

There are front and rear entrances to the property.

Externally there is a car park to the rear, with direct access into Gisburn forest mountain bike trails, with the front aspect having a traditional stone wall with wooden entrance gates.

My Online Estate Agent strongly recommends early viewing of this incredible property.

This Property is Commercial and Residential. Council Tax and National Non Domestic Rates are paid to RVBC.

There is a Primary School and High School nearby, a bus is provided by the council free of charge.

Trains run from Long Preston and Clitheroe.

Features

- Extensive Private Living Accommodation Five Bedrooms.
- Three En-Suite B/B Letting Bedrooms (Sleeps 10).
- Commercial and Residential Property.
- Two Kitchens.
- Original Features.
- Immaculately Decorated.
- Fantastic views over Gisburn Forest and Pendle Hill
- Direct access into Gisburn Forest Mountain Bike Trails
- AONB Area of outstanding natural beauty in the Forest of Bowland
- Central location in a Rural Village in the Ribble Valley.

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APPENDIX 2

Evidence of historic alternative uses of Public House



THE DOG AND PARTRIDGE

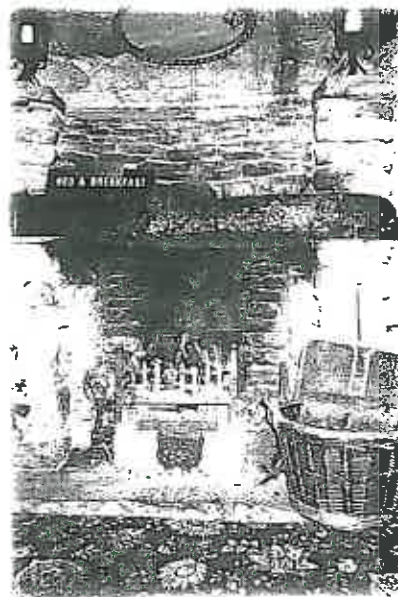
This is certainly the best known building in Tosside and is similar in appearance to the church – they were probably built about the same time. Near to the door is the old mounting-block, enabling people who came to pub or church by horse to mount for the journey home.

At one time (possibly because board and lodgings were provided) the Dog & Partridge were known as “The Board” – in the West Riding Directory of 1822 it was given as “The Board” and the “victualler” was one John Rowsthorne.

In days gone by, the farm rents were collected here – in a small private room – and the story is told that one year, the farmers all came with the tale that “farming was bad” and they had not enough money for the rent. The Agent took pity on them and reduced the amounts that they had to pay, whereupon they all trooped into the bar and ordered drinks. The landowner was so incensed by this that he arranged for the license to be revoked and “The Board” became “The Temperance Hotel” – providing board and lodgings and refreshments – but no alcohol.

Most country pubs used to have a small farm attached to them –

to help eke out a living before the advent of the motor-car – and the fields of this one stretched down both sides of the road towards the Chapel. Later, both Ridds (up Bailey Lane) and Streethouse (opposite the Chapel) became attached to “The Temperance”.



After a while, a shop and Post Office were established here – what had been the bar became the shop counter and the rest of the building was used as a private farmhouse with one large upstairs room being used for private functions, Mothers Union meetings, etc.

In the early 1960's, “The Temperance” along with Skirden Hall and Sandy Syke was acquired by The Bleakholt Animal Sanctuary and used as a rest home for old horses, donkeys and other animals. The Temperance stood empty for a number of years until Bleakholt sold off their holding in lots, the building and one small field being one of the lots. It has now come full circle and is again the Dog & Partridge public house –

refurbished and renovated with the telephone kiosk and post box removed from beside the front door and the sloping, cobbled forecourt turned into a level car park.

Tosside - from past to present

Notes on the history of Tosside and district from Vera Newhouse of Well House Farm

Here is another in the series of articles prepared by Vera just as they were written some 15 years ago for the Tosside Parish Magazine.

November 1989

The Old Smithy

Across the green from the Dog and Partridge was the village blacksmith's. The house was considerably smaller than it is now and the blacksmith's shop occupied one end of it - opening straight out onto the village green. When travel by horse declined and motor transport came in, the blacksmith's shop was turned into a garage workshop and part of the green was taken over to house the petrol pump. Gradually the business spread onto what had been the village pinfold. During that time the Bleakholt Animal Sanctuary had The Temperance (now the 'Dog'). First the shop and then the Post Office there were closed and business was transferred across the road. To begin with the shop was in a wooden hut at the Institute end of the house (before the extension was built there), then it moved into what had been the garage and a new workshop was built alongside. It was shortly after this that the telephone kiosk was moved across to the Institute and the post box was put in its present position - which was by the shop door then (since moved again!).

When Bleakholt sold off their property, the old coach-house and garden were added to the Smithy property and a craft shop was established in the converted coach-house. This later became the General Store and Post Office as we know it today.

Tosside - from past to present

Notes on the history of Tosside and district from Vera Newhouse of Well House Farm as written 14 years ago for the Parish Magazine

March 1990

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(to be continued next time)

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March 1990

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the Dog and Partridge public house - refurbished and renovated with the telephone kiosk and post box removed from beside the front door and the sloping cobbled forecourt turned into a car park.

April 1990

Tosside Church

We don't know exactly when the Church was built, but it was in existence before 1650 because in a Parliamentary Survey in the time of Oliver Cromwell, it was recommended that "Houghton Chapel in the Forest of Gisburne be made a Parish Church and have some maintenance annexed, being entirely dependant on the benevolence of the people." Two hundred and twenty years later this recommendation was carried out - things moved slowly in those days.

The Church was at first a Chapel-of-Ease, in charge of the Vicars of Gisburn. As the Tosside Registers don't start until 1769, when Richard Carr became the incumbent, it is presumed that the Vicars of Gisburn officiated until this time and records were kept amongst the Gisburn Registers, although in the 1650 Parliamentary Survey it mentions that "...Mr John Crambleholme was a preacher Minister there."

Between Richard Carr in 1769 and the formation of the Parish in 1970, there were six other incumbents - one of them, John Foster was here for 35 years. Another, Henry Burn, is buried in Tosside churchyard, to the left of the porch. Tosside Vicarage wasn't built until about 1870 and there appears to be no record of where the incumbent lived.

Tosside - from past to present

Notes on the history of Tosside & district from Vera Newhouse of Well House Farm, as written 14 years ago for the Parish Magazine.

(continued from the last edition)

When the Parish was formed in 1870 by the amalgamation of Tosside, Houghton Chapel and Knotts, John Ellerbeck, who came as incumbent in 1864, became the first Vicar. His stipend was £135 per annum! Since 1870, there have been 17 vicars, one of whom, the Rev'd A.E. Wicks was here for over 30 years. Gisburn still has an interest in the parish, in that the Vicar of Gisburn is Patron of the living.

In the early part of this century, the Church looked very different inside from how it does today. The organ purchased in 1877 stood in the NE corner, whilst the pulpit was in the SE corner. The Communion rails were round the raised step where the Communion table stands, and the pews came much further forward than they do now. In the NW corner, where the organ now stands, was a gallery supported by

pillars. A square block of wood can be seen in the floor, near the organ seat, filling the place where a pillar once stood. Until the plaster was removed from the west wall recently, marks could be seen indicating the line where the stairs went.

On the wall, each side of the east window, were wooden panels on which were written the words of the Lord's Prayer and the Ten Commandments. Lighting was by paraffin lamps, some of which hung from the beams, and some were supported on poles which slotted through holes in the book rests of the pews - these holes can still be seen. A stove stood where the present clergy stall is - the base is still there and the floor all around is quite black - apparently it "smoked back" when the wind was in a certain direction. As time went on, the population of the village dwindled and, as fewer people came

to church, the gallery was removed. Later the panels were removed from the east wall and replaced with an oak reredos. The stove was replaced by one under the grating in the centre aisle, and the paraffin lamps gave way to calor gas lighting. A new clergy stall was placed on the base of the old stove, and choir stalls were installed on the south side facing the clergy stall. The Communion rails were moved to the present position and at some stage during all this, the old beams were encased in pine boards and the organ moved to its present site.



TOSSIDE ANIMAL SANCTUARY and Home of Rest for Horses was opened on Sunday. It is administered by the Bleakholt Animal Welfare Organisation. Six-year-old Tony Wrigley, son of one of the staff, feeds some of the 21 donkeys which, with 59 horses, live on the 320 acres of the sanctuary. Craven Herald and Pioneer picture.

opens animal sanctuary

JUNE 1st - 1962

ACTRESS Margot Bryant, who plays the part of Minnie Caldwell in I.T.V.'s popular "Coronation Street" programme, was among the many people who watched the official opening, on Sunday afternoon, of the Tosside Animal Sanctuary and Home of Rest for Horses, established by the Bleakholt Animal Welfare Organisation.

She saw some of the 21 donkeys and 59 horses which are currently in residence on 360 acres.

"It's lovely to visit the country for a change," she observed. "I love animals so much that I am only too pleased if I can help in any way."

The opening ceremony was performed by the Mayor of Bury, Coun. W. Alkers, and afterwards Mrs Olive Lomas, the founder of Bleakholt, thanked the "faithful friends and subscribers over the past years."

Mr. R. D. Leather, Bleakholt's chairman, who presided, said the day was going to be one of the greatest in the history of the organisation, for Tosside was the first farm they had ever owned, the others having been rented.

Said the Mayor of Bury, referring to the organisation's Lancashire origins, and the fact that Tosside is in Yorkshire: "I am delighted that two ancient foes are getting together, and Lancashire and Yorkshire are showing the rest of the country how to do this job."

guest at horse sanctuary opening

TOSSIDE Horse Sanctuary, the "green pastures" for 100 elderly animals, including horses, ponies, donkeys, goats, dogs, cats and a monkey, will be officially opened on Sunday.

Special guest will be Miss Margot Bryant, who plays Minnie Caldwell in Granada T.V.'s "Coronation Street", and the openers will be Mrs. G. Stanton, of Chesterfield, and Mr. H. Watson, of Newton-le-Willows.

The sanctuary, run under the auspices of the Bleakholt Animal Welfare Organisation, of Shuttleworth, near Ramsbottom, came into being when three former farms, Temperance, Sandy Sike and Skirden Hall were bought by the Bleakholt organisation last year.

The organisation, founded four years ago by Mrs. Olive Lomas, needs £200 every week to run the sanctuary and to pay the salaries of the supervisors. All this money is raised to save the animals from the slaughterhouse.

To-morrow will be open day at the sanctuary.

TOSSIDE RETREAT FOR HORSES

Christmas cards to raise DEC funds 1962

Eight Christmas cards have reached a number of Craven addresses, and 20,000 similar ones will go out to help the funds of the animal sanctuary, Bleakholt, Tosside, near Settle. On the cards are photographs of animals now living in retirement.

Mrs. Beryl Adamson, of Halifax, local secretary of the organisation, said that the cards with envelopes are 6d., and she hopes to have calendars at 2s.6d. available soon. "Many people have ordered both."

Four of the cards show horses or donkeys. Perhaps the most attractive one shows Andy, a donkey, with his ears cocked high, looking over a wall "determined not to miss anything at Bleakholt."

There is also Momma, an aged donkey, who gave many hours of pleasure to youngsters on Blackpool sands. The other four in the set include a silhouette of three goats, three orphan kittens, an orphan puppy (since placed in a new home) and Franki, the cow.

19 Bleakholt Animal Welfare Organisation

The Baby Donkeys and "Big Sam," on behalf of the equine residents at the new "Tosside Animal Sanctuary" (between Slaidburn-Long Preston) will be "At Home" to receive Xmas gifts and donations on Saturdays, Dec. 9, 16 and 23, between 2 and 4 p.m. (Headquarters, Bleakholt Animal Welfare Organisation, Ramsbottom, Lancs.

URGENTLY WANTED TO RAISE FUNDS FOR BLEAKHOLT AND TOSSIDE HORSE SANCTUARIES

Clean B/H Clothing, small pieces of Furniture, Rugs, Carpets, Crockery, Ornaments, Jewellery, etc. Will gladly collect.

BLEAKHOLT HORSE SANCTUARY
RAMSBOTTOM, LANCs.

JAN Tel. 2577 any time. 1963

HAY WANTED-URGENT preferably baled

C.O.D. or will collect
TOSSIDE AND BLEAKHOLT HORSE SANCTUARIES.

Tel. Long Preston 228, or
Ramsbottom 2577.

R.S.P.C.A. TAKE

THE REINS 1963

By JOHN WYATT, Yorkshire Post
Special Correspondent

The Royal Society for the Prevention of Cruelty to Animals is holding an inquiry into conditions at the Tosside Horse Sanctuary, 1,000ft. up in the rolling country between Settle and Clitheroe. This is as a result of The Yorkshire Post report on Monday.

I understand that Travelling Chief Superintendent H. H. Goddenough, of the RSPCA, is in charge. It is hoped that a satisfactory solution can be found for the welfare and possible removal of the 90 animals.

The Sanctuary is run by Mrs. Olive Lomas, of Bleakholt Farm, Shuttleworth, on behalf of Bleakholt Animal Welfare Organisation. Considerable concern has been expressed in the Skipton, Hellfield and Long Preston districts for the animals quartered there during the severe weather.

27 horses at sanctuary to be destroyed

Twenty-seven horses kept at a home run by the Bleakholt animal welfare organisation at Tosside, near Skipton, are to be destroyed following a visit by RSPCA officials. The visit was made after complaints from people living near by about conditions at the sanctuary.

Yesterday the secretary of the organisation, Mrs. Olive Lomas, of Bleakholt Farm, Shuttleworth, near Bury, said they had been told by the RSPCA that at least 40 horses must go. She added:

"The criticisms concerned the exposed nature of the sanctuary and the state of buildings. Our members know that we have run on a shoestring through many months of trial, and I suppose that criticisms from outside sources have been inevitable. No one has been more aware of our difficulties and shortcomings than I have.

"This severe weather has brought additional difficulties. The horses which have to die are infirm and some are incurable. We were trying to keep them as long as possible. Now we must cherish and care for the remaining ones beyond the slightest criticism."

Mrs. Lomas was a founder member of the Bury branch of the International League for the Protection of Horses. The Bleakholt organisation has branches in Bury, Bolton, and Skipton, and cares for about 150 horses and ponies.

HOME OF REST FOR HORSES

A Tosside experiment

The Bleakholt Animal Welfare Organisation announced this week that it has taken over and amalgamated three farms at Tosside, near Settle, for use as a home of rest for horses. Hon. secretary and founder of the society is Mrs. Olive Lomas.

"We have now found a farm large enough to accommodate all our permanent residents," said Mrs. Lomas. "It is a combination of three farms with separate accommodation and buildings, and approximately 360 acres of land, of which about 98 acres is meadowland.

"It is because the land basically needs a change of grazing animals and the buildings need repairs and alterations that the property has been offered at a fairly reasonable price."

"They had been advised that it would be ideal as a home of rest for horses.

"It could easily turn out to be a disastrous and financial nightmare, but I honestly feel it is a wonderful challenge and opportunity," said Mrs. Lomas.

Bales
of hay.

Mrs. Olive Lomas,
founder and hon.
secretary of the Bleak-

holt Animal Welfare Organisation, which now has 360 acres of land at Tosside, tells me that feeding the animals—including between 130 and 140 horses, ponies and donkeys—means that 300 bales of hay a week have to be found until the grass grows again in the Spring. This is one of the basic concerns of an organisation concerned with domestic creatures. The folk in Tosside area are growing accustomed to having one of the largest populations of horses of any parish in the country, and on my last visit to the hill-top village I saw Mr. Keith Wrigley and Geoffrey Wilson were busy seeing that the appetites of the animals were fully satisfied. It was a raw day and they were indoors, away from the clutch of the wind. When the animals are turned out in spring it will be a memorable sight.

2 October
1961
EMPERANCE HOTEL
KIRKENDALL
SANDY SYKE
FARMS

Farm +
Land

Yorks Post
Mon Jan 21
1963



Two of the horses at the animal sanctuary.

ROW OVER SANCTUARY FOR HORSES

By JOHN WYATT, Yorkshire Post
Special Correspondent

A SANCTUARY for 90 animals, in a bitterly cold area 1,000ft. above sea level is causing concern in the Skipton, Hellifield and Long Preston districts. The Tosside Horse Sanctuary is run by Mrs. Olive Lomas, of Bleakholt Farm, Shuttleworth, on behalf of the Bleakholt Animal Welfare Organisation.

When I discussed it with her she admitted the financial position "was rather a nightmare at the moment." Following my inquiries, an offer of help has been made by the International League for the Protection of Horses.

Mrs. Lomas ran a branch of the League up to two years ago. Then the League severed its connection.

Yesterday, after hearing of the problems connected with Tosside, Mr. Kay Colvin, a director of the League, and Mrs. Ann Newton, of Leeds, also a director and a Council member, jointly said:—

"We will buy the horses from Mrs. Lomas on condition that we have those put down that should be destroyed on veterinary advice and look after the others." Earlier Mr. Colvin told me: "Unless she is prepared to give an undertaking not to concern herself in any organisation whose avowed object it is to protect equine animals the League does not intend to encourage her financially or otherwise."

"I make no complaint about Mrs. Lomas's ideals, but my colleagues and I feel strongly that her continued policy of buying horses without regard to whether or not she can look after them properly has led in many cases to the opposite of protection for the horses concerned."

Mr. Colvin said the League severed its connection with Mrs. Lomas for six reasons. "She did not carry out the policy laid down for her by the League," he said, "and we had the utmost difficulty in getting proper accounts."

"In the end we could not get any at all."

"We were also dissatisfied with the management of the horses and we told Mrs. Lomas again and again not to buy horses that she could not look after properly. When she placed the horses she did not inspect the new quarters and we gave her several warnings

out, electricity, gas, or water. After being told of the League's offer of help she said: "We will call an emergency meeting of the trustees, committee and staff as soon as possible."

DISAGREEMENT

Of the League's reasons for severing the connection, she said: "It was a disagreement on policy over bringing Irish horses across to Bleakholt to be saved from slaughter."

"There was dissatisfaction on both sides for some considerable time. Officials of the League came up from London to Bleakholt and after a survey, recommended that certain horses should be put down."

"We did not carry it out and at least one is alive today. We did not lose any of them that winter," Mrs. Lomas added.

"We have done so well since we left the League that it is only because we have decided to keep so many animals that we have got into difficulties. If people who have helped us save horses would help to keep them we would not be in trouble—what horses we have lost have died of old age and peacefully."

LEGACY

Mrs. Lomas said she heard last week of a legacy from Blackburn of £2,000 which would greatly help the Trust. "We have always worked from our hearts rather than our heads," she said, in defence of her Trust.

I visited Tosside, north of Clitheroe, with Mr. Ted Gifford, a racehorse trainer under Jockey Club and National Hunt Rules, Mr. Gordon Goswell, a former National Hunt trainer and jockey, and a Yorkshire Post photographer were with us.

Mr. Gifford, who trains at Bell

Busk, about seven miles from Skipton, looked at the cold scene and said: "This is bad land, even in summer, and I think the place is unsuitable."

In a walled off portion by the road three horses and five donkeys were walking around with a cat and a dog. The donkeys, harder than horses, looked well enough but two of the horses seemed too weak to withstand the extreme cold at that height.

A field away a grey horse was breathing heavily. The animals were not out for long and were taken inside soon after arrival.

Mr. Gifford said: "This is no place for horses of this age." Mr. Goswell, also with a lifetime experience of horses, agreed—and both thought two of the horses would be better put to sleep.

SNOW DANGER

"I am not decrying their efforts," said Mr. Gifford, "but they should not have a place like this up here. An animal must have warmth; cold, rain, and snow will kill an animal even if it is getting fed but like human beings."

Boards propped up on walls and the near-by Post Office proclaimed the need for funds. "The Tosside Horse Sanctuary," Open 2-5 p.m. Saturdays and Sundays. Visitors welcome. Inquiries at Post Office, £1,000 appeal. Donations urgently required."

Another stated: "You can become a member of our organisation today. Adults 5s. Children 2s. 6d. Life membership 10 guineas. Emergency appeal. Donations desperately required. Receipts given at house."

On the Post Office another notice proclaimed: "All proceeds in aid of Bleakholt Animal Welfare Organisation." Further displays pointed out that second-hand clothes, jewellery, oddments and books were on sale and that home-made jam could be bought at only 2s.

Outside on the glass verge was a bundle of damp wet hay. Of this Mr. Gifford commented afterwards: "The hay I saw in front of the building was bad and wet."

Two landlords of hostels in the district told me that they thought the situation of the sanctuary too bleak. Most people in the area did not dispute the idea behind the Sanctuary but thought that in view of the apparent need for funds there were too many animals belonging to the Trust.

Mrs. Lomas told me: "We rely on public subscriptions and our own efforts. It is rather a nightmare at the moment."

"With bad weather and transport our position is almost unbearable. We have always been overworked since Christmas, with the additional difficulty of the weather."

APPEAL

I invited Mrs. Lomas to comment on an advertisement in a local newspaper appealing for hay to be delivered. She said: "Our own stocks of hay, grown ourselves, had run out."

"We put out a general appeal for hay to be collected or delivered. We are working under difficulties."

Senior Inspector Ralph Taylor, of the Skipton branch of the Royal Society for the Prevention of Cruelty to Animals, told me: "The RSPCA are keeping it under supervision."

Perhaps the League have the strongest point of all to make on this subject. As Mrs. Newton said: "I think that every charity should be registered and a balance sheet published."