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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 MODERN TWO STOREY REAR
EXTENSION FROM BED AND BREAKFAST GUEST
ROOMS AND CAFE TO FORM A SELF-
CONTAINED DWELLING**

AT

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

Prepared by: Colin Sharpe
Our Client: Mr & Mrs S Gridley
Our Ref: Gri/754/2228/CS
Date: February 2017



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 a modern two storey rear extension from bed and breakfast guest rooms and cafe to form a self-contained dwelling at The Dog and Partridge Public House.
- 1.2 In addition to this Planning Statement we have submitted the following information to support the application:
- Location Plan
 - Existing and proposed site plan
 - Heritage Statement
- 1.3 In this Planning Statement we set out the following:
- A description of the application site and its surroundings.
 - A description of the proposed development.
 - A description of the planning and operational history of the property.
 - A consideration of the proposal against national planning guidance and local planning policies.
 - A consideration of other relevant applications in the Ribble Valley.
 - Summary and Conclusions.
- 1.4 We would request that this Planning Statement and the Heritage Asset Statement are also taken into consideration in the Council's determination of the separate application for Listed Building Consent.

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 Forest 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 modern two storey extension at the rear of the public house to form a 3 bedroom self contained dwelling.
- 3.2 Internally, the proposed scheme involves only the following:
 - (a) The blocking up of three existing door openings between the proposed self-contained dwelling and the retained public house with owners living accommodation. These openings are in the main rear wall of the historic part of the Listed Building.
 - (b) The removal of two short sections of wall on the ground floor of the modern extension that do not form part of, and one not attached to, the fabric of the main historic part of the building.

Details of this internal work are shown on the submitted plans for both applications.

- 3.3 The proposal does not require any alterations to the external appearance of the building as all existing window openings are to be retained and utilised to serve the proposed dwelling.
- 3.4 The historic part of the building will remain available for use as public house with owners' living accommodation.
- 3.5 The proposed dwelling would be accessed via the existing ground floor entrance leading from the existing parking and seating area at the rear of the public house. A small curtilage, including a parking area for two cars, would be formed on the area that is effectively used for outdoor seating for the public house. The area

available for parking in association with the retained public house will therefore not be reduced; and, of course, if permission is granted, the demand for parking spaces to serve the bed and breakfast use would be removed.

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.
- 12) 2016/0708 – Planning Application for change of use from public house, owners' living accommodation and bed and breakfast facility to two dwellings – Refused November 2016.

13) 2016/0709 – Application for Listed Building Consent for the development proposed by planning application 2016/0708 – Refused November 2016.

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 and dismissed at appeal. The reason for refusal was as follows:

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 With regards to the above reason for refusal we would state that 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.

4.13 As stated, an appeal against the refusal was dismissed. We consider that an examination of the Inspector's decision letter will be of benefit to the consideration of these current applications. 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.

4.14 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 Building 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 barn 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.”

4.15 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 cited this as a reason for dismissing the appeal. The following are some of the pertinent points made in her Decision 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 Tosside; 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.
- 4.16 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.
- 4.17 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.

- 4.18 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.
- 4.19 On behalf of our clients, we submitted applications 2016/0708 and 2016/0709 (see “planning history” above) in which we sought to address the Inspector’s concerns and objections to application 2012/0729. In particular, with those applications, we submitted a Planning Statement; a Heritage Asset Statement; a Financial Statement to support the contention that the continued operation of a public house in the historic part of the building was not viable; details of the marketing of the property for sale; and examples of recent decisions by Ribble Valley Borough Council to allow the change of use of public houses to residential use.
- 4.20 We consider that for the reasons given in our Planning Statement, the Heritage Asset Statement and the Financial Statement, the proposal for the change of use of the whole building to form two dwellings (as comprised in applications 2016/0708 and 2016/0709) fully satisfy all the relevant requirements of NPPF and the relevant policies of the Council’s adopted Core Strategy such that the applications should have been approved.
- 4.21 Notwithstanding our contentions, however, the application for planning permission (2016/0708) was refused for the following reasons:
- i) The proposal is considered contrary to the NPPF and Policies DME4, DMH3, EN5 and EN2 of the Ribble Valley Core Strategy insofar that the proposed development would fail to preserve the special historic interest of the listed public house and would, consequently, harm the character and appearance of the Forest of Bowland Area of Outstanding Natural Beauty contrary also to the advice in NPPF and Policy EN2 of the Ribble Valley Core Strategy.
 - ii) The proposal is considered contrary to the NPPF and Policies DMG1, DMG2 and DMB1 of the Ribble Valley Core Strategy insofar that the proposed development would result in the loss of a substantial proportion of the commercial floor area within this tourism and community facility, which would harm the rural economy and the vitality of the local area.
- 4.22 The Application for Listed Building Consent (2016/0709) was refused for the following reason:
- i) The proposal is considered contrary to the NPPF and Policies DMG1, DME4,

and Key Statement EN5 of the Ribble Valley Core Strategy insofar that the proposed development would fail to preserve the special historic interest of the listed public house.

SMITHY GARAGE HISTORY

- 4.23 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 office services, such that the businesses ceased operating, to be replaced by what is a primarily residential use.
- 4.24 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 bed and breakfast accommodation. 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 bed and breakfast business as well as a 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 bed and breakfast accommodation would have no detrimental effects on local residents, unlike 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 applications (2016/0708 and 3/2016/0709) are as follows:

Policy DMG1 – General Considerations
 Policy DMG2 – Strategic Considerations
 Policy DMH3 – Dwellings in the Open Countryside and AONB
 Policy DMB1 – Supporting Business Growth and the Local Economy
 Policy DME4 – Protecting Heritage Assets
 Key Statement EN2 – Landscape
 Key Statement EN5 – Heritage Assets
 National Planning Policy Framework (with no reference to any specific sections or paragraphs)

- 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 that were stated in the reasons for refusal of the previous applications.
- 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, which we will discuss below in relation to Policy DME4.
- 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 below in relation to Policy DMB1, 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 modern part of the building to form an additional dwelling (to the existing owners' dwelling) to be fully compliant with the relevant second requirement of Policy DMH3.
- 5.3.6 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.
- 5.3.7 As previously stated, the Council's officers did not consider previous application 2012/0729 to have any harmful effects upon the Heritage Asset, but this did form the principal reason for the subsequent appeal being dismissed. It has also, of course, been cited as the reason for refusal of the more recent applications 2016/0708 and 2016/0709. We therefore need to consider these current applications with respect to Key Statement EN5 and Policy DME4.

5.3.8 Key Statement EN5 states a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings in a manner appropriate to their significance for their heritage value. It is stated that this will be achieved in a number of ways, including the following:

- Recognising that the best way of ensuring the long term protection of heritage assets is to ensure a viable use that optimises opportunities for sustaining and enhancing its significance.
- Considering any development proposals which may impact on a heritage asset through seeking benefits that conserve and enhance their significance and avoids any substantial harm to the heritage asset.

5.3.9 With regards to Key Statement EN5 we consider it appropriate to refer to the comments of the Appeal Inspector referred to in paragraph 4.15(k) above. The Inspector commented that, even if it was necessary to alter the balance of residential to commercial space, the proposal before her (involving the total loss of the public house function) would not be the only means of achieving that objective, and she considered that it would fail to preserve the special historic interest of the listed building. The Inspector did not consider there to be any significant 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 “substantial harm” sufficient to represent a justifiable reason to dismiss the appeal.

5.3.10 In the Committee Report for application 2016/0708, the Council’s Conservation Officer comments as follows:

“The listing description notes the use as a public house and so this is an aspect that contributes to the building’s significance. The historic and current use as a pub, including a substantial time known as the Dog and Partridge, gives the building high evidential, historic and communal value, alongside its clear aesthetic value. This amounts to a building of considerable heritage significance. To remove the use from which this significance derives would cause substantial harm to the special historic interest of the building. I note that in the appeal decision APP/T2350/A/13/2193965 (proposed change of use from public house, bike hire and dwelling to hotel, bike hire and dwelling, 2012, dismissed), the Inspector also reaches this conclusion. Based on my own consideration of the application, I can see no reason to deviate from their findings.”

5.3.11 In our opinion it is evident that the principal and overriding reason for the previous appeal being dismissed, and applications 2016/0708 and 2016/0709 being refused, related to the loss of the function of the public house. Whilst we fundamentally disagree with the conclusions of the Inspector and the Council’s officers, these current applications have sought to totally address that reason for refusal of the previous applications. The current proposal involves the retention

of the public house and owners' accommodation in their entirety and without any changes of use or internal alterations.

- 5.3.12 As such we consider that the change of use of the modern part of the building into a dwelling represents an acceptable and appropriate way of ensuring the long term protection of the heritage asset by providing a viable use (of the whole building) that will optimise opportunities for sustaining and enhancing its significance (through the retention of its important historic function). The proposal will also provide that benefit whilst also avoiding any substantial harm to the heritage asset. The important objectives of Key Statement EN5 are therefore, in our opinion, satisfied by the current proposal.
- 5.3.13 Policy DME4 states that, in considering development proposals, the Council will make a presumption in favour of the conservation and enhancement of heritage assets and their settings. The policy states that alterations or extensions to listed buildings, or development proposals on sites within their setting which cause harm to the significance of the heritage asset will not be supported; and that any proposals involving the demolition or loss of important historic fabric from listed buildings will be refused unless it can be demonstrated that exceptional circumstances exist.
- 5.3.14 In our opinion, the proposal does not include any aspects which the policy states will either "not be supported" or "will be refused." We therefore consider the proposal to be in full compliance with Policy DME4.
- 5.3.15 Although Key Statement EC1 is not mentioned in the previous reasons for refusal one of its requirements 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."*
- 5.3.16 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 Throughout the years of our clients' ownership, the employment opportunities provided by the Dog and Partridge have been minimal with takings from the

combined bed and breakfast and public house being insufficient to support even one full time worker. We therefore contend that the loss of the bed and breakfast business with the retention of the public house business, would have a minimal (if any) impact upon employment provision and, consequently, little or no economic or social impact on the Borough.

- 5.3.18 As the proposal involves the retention of the main business element of the property, we do not consider the requirement for marketing, as stated in Policy DMB1, to be of particular relevance. However, (as we stated in our supporting documents for the two recently refused applications) the property was advertised for sale as a commercial property for the 19 month period between 20 April 2014 and 2 November 2015.
- 5.3.19 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.
- 5.3.20 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.
- 5.3.21 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.
- 5.3.22 Therefore, whilst it is not our clients' preferred option, we consider that this current proposal has fully addressed the Council's concerns regarding the loss of the public house and will facilitate the retention of the public house. It will be more feasible for the Public House to be affordable for the local community or a private individual to rent or purchase if the B & B element is separated from it. It will also have the benefit of retaining the public house for use by locals and tourists/visitors.

- 5.3.23 Overall, we consider that this current proposal fully satisfies the requirements of Key Statement EC1 and Policy DMB1.
- 5.3.24 The reasons for refusal of the previous applications (2016/0708 and 2016/0709) do not specify the paragraphs or sections of NPPF that the proposal is alleged to have contravened. However, we consider paragraphs 128 and 134 to be of most relevance. A separate Heritage Asset Statement (H.A.S.) has been submitted with the applications. Due to the retention of the “function” of this Listed Building as a public house, and the minimal alterations to the fabric of the Listed Building, we consider the level of detail contained in the H.A.S. to satisfy the requirements of paragraph 128.
- 5.3.25 So, in our opinion, the development, as now proposed, would not cause **any** harm to the function of the Listed Building. As the works to the fabric of the building are also 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.
- 5.3.26 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 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.

6. RELEVANT APPLICATIONS IN RIBBLE VALLEY

- 6.1 In our Planning Statement for the previous applications (2016/0708 and 2016/0709) we referred to a number of relatively recent permissions granted by Ribble Valley for the change of use of public house in rural areas to residential use. The applications that we quoted were directly relevant to our previous applications as they were for the same proposed change of use. We do, however, consider those permissions to be of possibly even more relevance to these current applications as they are, in our opinion, for a less contentious proposed change of use. Below we therefore refer again to the same permissions (plus an additional more recent permission) and comment upon them as relevant to the current applications.
- 6.2 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.”

- 6.3 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.
- 6.4 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.
- 6.5 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.
- 6.6 That, more recent, permission has also not been implemented and a subsequent application (2016/0587) for the demolition of the existing buildings to be replaced by four detached dwellings, has been refused.
- 6.7 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 have been granted for our previous applications in order to enable its necessary maintenance. Notwithstanding that, as the current proposal relates only to the modern addition to the building, but would also assist in enabling the proper and necessary maintenance of the main historic part of the building, we can see absolutely no justifiable reasons why these current applications should be refused.
- 6.8 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**.
- 6.9 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.
- 6.10 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, such that our applications should have been similarly approved. Notwithstanding that, for the reason explained above at paragraph 6.7, we can see no justification for the refusal of these current applications.

- 6.11 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.

- 6.12 The additional permission to which we would refer is 3/2016/0815 granted on 25 October 2016 for the change of use from public house with manager's accommodation to form 5 dwellings including side extension and alterations, along with the creation of gardens, garages and parking areas at **The Eagle and Child, Whalley Road, Hurst Green**.
- 6.13 The Eagle and Child is a "building of townscape merit" on the main road within the Conservation Area of the Tier 2 Settlement of Hurst Green and is adjoined by a terrace of three dwellings that is designated as a Grade II Listed Building. Policy DMG2 states that development within a Tier 2 Settlement must meet at least one of six stated considerations. Key Statement DSI states that the total number of houses to be located within Tier 2 Settlements over the plan period is zero such that only housing which meets an identified local need, or where a clear benefit can be demonstrated, will be acceptable in such settlements.
- 6.14 The following is a paragraph from the Delegated Item File Report (D.I.F.R) for application 3/2016/0815:

"It is not considered that the proposed development would meet any of the considerations listed within Policy DMG2, however the pub has been vacant since March 2015 and evidence has been submitted with the application to demonstrate that the building has been unsuccessfully marketed and that the continued operation as a Public House is not financially viable. As such there is a legitimate concern that the building will continue to remain vacant and fall into a state of disrepair unless an alternative use can be found."

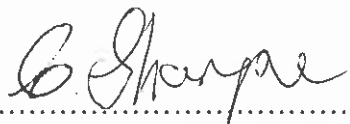
- 6.15 It is also stated in that DIFR that the re-use of a vacant building (designated as a building of Townscape Merit) within the Conservation Area would bring a number of benefits; and that the Council's regeneration officer was also supportive of the proposal to bring the vacant building back into use. These factors contributed to the decision to approve application 3/2016/0815.
- 6.16 With our previous applications for the Dog and Partridge we also submitted evidence of unsuccessful marketing and financial information which we considered proved that the continued operation of the public house was not financially viable. We also made the point that, unless permission was granted for the change of use of the public house into a dwelling, the use would cease permanently and The Dog and Partridge, a Listed Building (more important than a building of Townscape Merit) would fall into a state of disrepair. Our applications, however, which sought to prevent a Listed Building from deteriorating in condition, were refused. We do not consider it appropriate that a building must have to close and consequently deteriorate in condition (as happened at The Moorcock Inn and The Eagle and Child) before the Council gives support for an appropriate change of use.
- 6.17 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 in supporting documents with our previous applications we consider that the Council's determination of those applications should have been consistent with the decisions that we have referred to above, such that the planning permission and Listed Building Consent should have been granted for the change of use of The Dog and Partridge to form two dwellings.
- 6.18 The applications were, however, refused for reasons relating to the loss of the "function" of the public house, to the detriment of the Listed Building, and the loss of commercial floor area (again, the public house) to the detriment of the rural economy and the vitality of the local area. Whilst we do not agree with those reasons for refusal, we consider that they have been fully addressed in these new applications. We contend that the refusal of our previous applications was inconsistent with the Council's permissions, involving the loss of public houses, that we have discussed above. In view of those permissions at other properties, we further contend that a refusal of this application, that involves the loss of bed and breakfast accommodation, in order to assist in the retention of the public house would be entirely unreasonable and unjustified.

7. SUMMARY AND CONCLUSION

- 7.1 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. The main aspect of the diversification was the construction of the two storey extension at the rear of the property to provide bed and breakfast accommodation, which is to a very high standard. The layout of the rooms 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 has also concentrated on this potential "market" for their accommodation.
- 7.2 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 and Yorkshire) enjoy their day's cycling and drive home.
- 7.3 This is therefore a relatively recent commercial/tourism venture provided by our clients at considerable expense and with the genuine aim of supporting the "struggling" public house business. The fact that the venture has not provided the financial support for which they had hoped, is through no fault of our clients. Any refusal of the planning application for a reason relating to the loss of the commercial floor space and harm to the local economy (similar to reason 2 of 3/2016/0708) would be unreasonable and unjustified, especially when compared to the Council's permissions that have authorised the loss of public houses in rural areas.
- 7.4 The bed and breakfast use is also within a modern extension and is therefore not a historic "function" of the Dog and Partridge and its loss would have no effects upon the function of the Listed Building. There would also be virtually no effects upon the fabric of the Listed Building as was confirmed in the Committee Report in respect of the most recent planning application in which the Case Officer states that he *"would agree that, from an historic fabric point of view, this would be a harmless approach in that it would not see the loss of historic fabric and could be a reversible intervention."* As such, we consider that reason 1 for refusal of 3/2016/0708 and the sole reason for refusal of 3/2016/0709 have been fully satisfied by this current proposal.
- 7.5 In short, in our opinion, the proposal represents the optimal viable use of the whole building, with the use of the modern extension as a self-contained dwelling representing appropriate enabling development to secure the future of the important aspect of the heritage asset (i.e. the continued use of the historic part of the building as a public house). As such, we consider the proposal to represent a perfect example of a development that satisfies the "special circumstances" stated

in the highlighted section of paragraph 5 of NPPF at paragraph 5.2.9 of this Planning Statement, and the important objectives of Key Statement EN5 of the Core Strategy.

- 7.6 For the reasons given above in paragraph 3.5, we do not consider that the proposal would have any detrimental effects in relation to access, parking and general highway safety considerations. The use of the existing bed and breakfast accommodation and cafe as a single self-contained dwelling would also not have any detrimental effects upon the amenities of any nearby residents or the general character and appearance of the locality.
- 7.7 We consider that these new applications have therefore fully addressed all three reasons for refusal of the previous proposal, and we can see no other reasons for refusal. We also consider that the proposal also satisfies all of the relevant requirements of the Policies of the adopted Core Strategy and NPPF.
- 7.8 Therefore, in the interests of securing the future maintenance of this Listed Building, and enabling the continued operation of the public house, to the benefit of local residents, tourists/visitors and the rural local economy, we respectfully suggest that the planning permission and Listed Building Consent should both be granted subject to any necessary and reasonable conditions.

Signed..........Date.....22/02/17.....
Colin Sharpe DipTP MRTPI
For and on behalf of Gary Hoerty Associates

