

**APPEAL BY
MR & MRS GRIDLEY
AGAINST THE REFUSAL OF
RIBBLE VALLEY BOROUGH COUNCIL
TO GRANT PLANNING PERMISSION FOR
PROPOSED CHANGE OF USE FROM PUBLIC HOUSE, BIKE
HIRE AND DWELLING TO HOTEL BIKE HIRE AND DWELLING
AT
DOG & PARTRIDGE TOSSIDE SKIPTON, YORKSHIRE
BD23 4SY**

**Grounds of Appeal Statement
APP/T2350/A /13/2193965**

**LPA Reference: 3/2012/0729
Refused: 18 January 2013**

February 2013

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GROUND OF APPEAL STATEMENT AGAINST THE REFUSAL RIBBLE VALLEY BOROUGH COUNCIL TO GRANT PLANNING PERMISSION FOR PROPOSED CHANGE OF USE FROM PUBLIC HOUSE, BIKE HIRE AND DWELLING TO HOTEL BIKE HIRE AND DWELLING BD23 4SQ

1 SITE DESCRIPTION

- 1.1 Tosside is a very small village which straddles the boundary between Lancashire and Yorkshire. The boundary follows the roads which lead directly north and south out of the village. The appeal site and the western part of the village are within the Borough of Ribble Valley and the eastern side of the village is within Craven District Council. The whole of the village and the surrounding area is within the Forest of Bowland Area of Outstanding Natural Beauty. The area around Tosside is rural and sparsely populated.
- 1.2 The appeal site comprises the public house and car park of the Dog and Partridge. Other community uses in the village include the St Bartholomews Church, the purpose built community hall known as the “Tosside Community Link” and tea rooms at the Old Vicarage. The Dog and Partridge and St Bartholomews Church are both listed buildings grade II.

2. PROPOSAL

- 2.1 The application is for full planning permission to change the use of the building from a public house with bike hire and dwelling to a hotel, bike hire and dwelling. The proposals do not involve any physical alteration to the building or the car park.
- 2.2 At the present time the pub area is at the front of the building with the front door opening into the lounge bar area which is set out with tables and chairs suitable for drinking or dining. The catering kitchen is adjacent to this where food is prepared for the ‘pub’ area and the ‘café and bike area’ beneath the accommodation wing. The residential accommodation for the owners is above the ‘pub’ and the guest accommodation is above the ‘café and bike area’. The guest accommodation comprises three bedrooms; a double bedroom, a double with single, and one with four single beds.

- 2.3 The proposal is to combine the public areas and accommodation into the accommodation wing, provide a bike storage area and retain the commercial kitchen, staff office, toilets. The entrance to the hotel will be from the attractive courtyard area on the north and western side of the building which has fantastic views over the countryside and is used for outside eating and drinks in fine weather.

3 SITE HISTORY

- 3.1 3/2004/0323 Demolition and rebuilding of restaurant with first floor accommodation over. Alterations to lean-to toilets and construction of bottle store approved 16.06.2004
- 3/2004/0611 Removal of part external stone skin on front and rebuilding, first floor extension with pitched roof, new lean-to extension to provide bottle store and other minor alterations listed building consent approved 12.04.2004
- 3/2005/282 Planning permission and 3/2005/0283 Listed building consent. Single storey porch approved 06.05.2005
- 3/2008/0196 Change of use of part of existing ground floor to mountain bike storage and service area approved 28.04.2008

4 GOVERNMENT GUIDANCE

- 4.1 The National Planning Policy Framework Section 3-“Supporting a prosperous rural economy”, paragraph 28 promotes economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. The NPPF requires local and neighbourhood plans to support the sustainable growth and expansion of all types of business and enterprise in rural areas. In addition they should support sustainable rural tourism and leisure development that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. They should 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.
- 4.2 NPPF Section 8-“Promoting Healthy Communities” states at paragraph 69 that the planning system can play an important role in facilitating social interaction

and creating healthy inclusive communities. At paragraph 70 it states to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- Guard against unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- Ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

5 DEVELOPMENT PLAN

- 5.1 The development plan includes the saved policies in the Ribble Valley Districtwide Local Plan adopted in 1998. Saved policies quoted in the decision notice are are:
- 5.2 G1 - which details a number of development control criteria that may be applicable in the determination of any planning applications.
- 5.3 G4 c)- which allows the rehabilitation and re-use of rural buildings (subject to Policies H15, H16, H17, EMP9 and RT3).
- 5.4 ENV1 – requires development to protect conserve and enhance the landscape and character of the Area of Outstanding Natural Beauty. Regard will also be had to the economic and social well being of the area.
- 5.5 H15 (iv)-which allows the conversion of buildings to dwellings where there would be no detrimental effect on the rural economy.
- 5.6 RT1 – supports development which extends the range of tourism and visitor facilities, provided that this does not conflict with other policies of the Local Plan.
- 5.7 Regulation 22 Submission Draft Core Strategy 2008/2028 the policies quoted on the decision notice are:
- 5.8 DMG1- General considerations, which details a number of development control criteria that may be applicable in the determination of any planning applications.

- 5.8 DMG2- Strategic considerations, allows small scale tourism or recreational developments appropriate to the rural area outside main settlements.
- 5.9 DMH3-allows conversion of buildings to dwellings in the open countryside
- 5.10 DMH4 –allows the conversion of buildings to dwellings where there would be no detrimental effect on the local economy.
- 5.11 DMB3-Recreation and tourism, supports development for tourism and visitor facilities subject to various criteria including that the proposal must be well related to an existing settlement.
- 5.12 Also of relevance are key statements EN2-Landscape, which seeks to protect the landscape and character of the AONB and EC3-Visitor Economy, which states that proposals that contribute to and strengthen the visitor economy of the Ribble Valley will be encouraged.

6 Planning considerations

- 6.1 The reason for refusal on the decision notice alleges that the proposed development would lead to a 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.
- 6.2 We will demonstrate that the proposal will not lead to a total loss of a valuable community facility that this will be retained but reduced in scale to a size which is appropriate to the current level of demand and which would be economically viable. We will demonstrate that this reduction in scale is in response to and reflects the recent changes in the provision of community facilities in the area. Even with a reduction in the scale of the community facility at the Dog and Partridge, we will demonstrate that the scale and breadth of community facilities in the area is appropriate to serve the local community.
- 6.3 We will demonstrate that by reducing the scale of the public house and concentrating on the element of the business which serves the specific expanding market associated with mountain biking at Gisburn Forest the business at the Dog and Partridge will maintain suitable tourist facilities specifically catering for visitors to this part of the AONB and in doing so will support the rural economy and vitality of the area.

- 6.4 The Dog and Partridge Pub broadly has two categories of customer: local residents and visitors. To local residents the Pub is a community facility. Local Plan policy ENV1 the Supplementary Planning Guidance and NPPF paragraph 28 and 69-70 seeks to protect such community facilities. To the visitor the Pub provides accommodation specifically tailored to suit mountain bikers but also appeals to other visitors and provides a place for refreshments as part of a visit to the area. Policies G4 (c), H15(iv) in the local plan the SPG and NPPF paragraph 28 seeks to protect the rural economy and support sustainable growth and expansion. These two categories of customer reflect the twin roles of the public house: its social role and its economic role.

The Social Significance of the Dog and Partridge Pub.

- 6.5 Mr and Mrs Gridley have owned and run the pub since 2003. During this period they have seen customer numbers fall. This reflects the general continued decline rural pubs with the increased availability of cheap alcohol in supermarkets the increased popularity in drinking at home, and the introduction of the smoking ban. Our letter to Planning Officer Graeme Thorpe dated 18th Nov 2012 gives an indication of the level of local customers presently using the pub and it is extremely low.
- 6.6 The Dog and Partridge is not the only community facility available to the residents around Tosside. Tosside is a very small village there are very few potential customers within walking distance of the pub. This means that most local residents will 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 see Photograph appendix 1. 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 may not be a relevant factor to patrons since for most people the visit to the pub is by car.
- 6.7 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. www.tossidecommunity.co.uk A list of regular activities published on their website indicates that there are activities at the Community Hall in the daytime but mostly in the evenings. Many of the listed activities traditionally occur 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. Appendix 2 List of Activities at Community Hall

- 6.8 Policy ENV1 of the Local Plan seeks to have regards to the social well being of the area. The SPG describes the social benefits of village pubs as *“a meeting place for villagers to come together and mix informally or formally for meetings of clubs and societies”* and that it *“acts as a focus for village events”* and maintains village character by *“fostering community spirit”*. In Tosside these social benefits for the most part are provided by the Community Hall. If the Dog and Partridge was to close as a pub completely the community would not be without a community facility as it would still have the Community Hall and Crowtrees Inn. However the proposal is not to shut the bar or close the bar to the general public it is rather to reduce the size of the licensed area to a size which reflects the present local customer numbers. The local customer base is not strong enough to support a full-time pub at the Dog and Partridge, The Crowtrees Inn and the Community Hall.

The Economic Significance of the Dog and Partridge

- 6.9 The main income generating activity at the Pub is bed and breakfast accommodation for mountain bikers visiting Gisburn Forest and people visiting the area generally. There have been significant investments by various agencies into the mountain biking facilities at Gisburn Forest which benefit tourism. This included investment into the mountain bike trails at Gisburn Forest in 2009 comprising a £60k contribution from Sport England, and £60k jointly from Forest of Bowland AONB, Ribble Valley Borough Council, Ribble Valley Strategic Partnership, United Utilities and the Forestry Commission. The Forestry Commission contributed a further £60K in materials. This funding together with

voluntary help has recently significantly expanded the number and length of routes at Gisburn Forest. In 2011 planning permission was granted to the Forestry Commission to create a 'forest hub' to provide a car park with a capacity of 100 spaces a new cycling skills area and public toilets. The work to construct this new facility is nearly complete. Gisburn Forest is also popular with walkers and bird watchers and attracts 50,000 visitors per year. This information has been obtained from various website and transcripts are provided at appendix 3 Details of the current mountain bike routes are given at Appendix 4.

- 6.10 Immediately to the south west of Gisburn Forest is Stocks Reservoir which is the largest fly fishery in the North West of England with 4.5miles of fishable shoreline and 350 acres of open water. This facility is open to public and day fishing is available. Bank fishing is permitted on the southeast shoreline which is approximately 5 km from the appeal site by road. The Dog and Partridge is first on the list of "places to stay" on the Stocks Reservoir website. See www.stocksreservoir.com and water map appendix 5
- 6.11 The Lancashire Cycleway Northern Loop Route 90 passes within 7km of the appeal site on the section between Slaidburn and Holden. See appendix 6. The Forest of Bowland AONB also provides a leaflet with details of cycle routes in the area including the Roses Boarder Ride passing through Gisburn Forest and Tosside village and the Salter Fell Cross of Greet route passing through Slaidburn 7km to the South west of the appeal site. Appendix 7
- 6.12 The appeal site is immediately adjacent to the eastern edge of Gisburn Forest. Many cyclists use Bailey Lane which begins at the western side of the Pub to gain access to the mountain bike course and Gisburn Forest. The mountain bike routes at Gisburn Forest have seen an explosion of interest in the area by cyclists. In order to attract customers from this mountain biking group the appellants have responded by adapting the facilities at the Dog and Partridge to cater for this group. This has been done by promoting the accommodation at the Dog and Partridge under the umbrella of Gisburn Forest Bikes and by adding bike hire information, information about the bike trails at Gisburn Forest and links to a mountain bike skills courses run at Gisburn Park. The Gisburn Forest Bikes website is set up so that people interested in mountain biking at Gisburn Forest

would easily see the website if they were searching the web using the search term “Gisburn Forest” anticipating that most tourists would not otherwise be aware of “Tosside”. See Appendix 8. The Dog and Partridge is also featured on the XC MTB website which lists the Pub as a place to park for the beginning of the trails. Appendix 9

- 6.13 The proposal is to reduce the amount of ‘public’ space within the building to a level which reflects customer demand and is orientated towards the more profitable customer base which is visitors, (cyclists in particular), whilst at the same time operating this so that the facilities are open to all including local residents and not just those people staying in the hotel accommodation. The outdoor eating and drinking area is particularly popular with cyclists because they can sit in sight of their bikes and not feel embarrassed about ordering refreshments when they are muddy because they are not sitting inside the building. Equally the views from this side of the building are superior to the views from the present bar area which makes it an attractive place to have coffee and cake or a meal out during the day.
- 6.14 The floor area of the existing snug and lounge area of the ‘pub’ is about 37sqm. The proposed guest lounge/dining room is about 43sqm floor area when the existing office floor space is combined with the existing café/bike area. The existing tap room which is now hardly ever used by customers is about 22sqm floor area. This demonstrates that the area of the building which is proposed to be open to the public will be comparable to the area presently used within the ‘pub’. This public area will be used as the guest lounge and dining area. It will be open to non-residents, serving drinks, light meals and cakes during the day and also servicing the outdoor eating area; and serving main meals and drinks to residents and non- residents in the evening. It will be possible and desirable in terms of attracting the maximum trade to the premises that all types of customers should be catered for; guests visitor and local residents alike. In this way both the social and economic function of the Dog and Partridge will be retained.
- 6.15 At the present time the business has to service a drinking and dining area within the ‘pub’ which is too large for present customers levels as well as servicing the ‘café and bike area’. There is insufficient income within the business to staff both

areas at the same time and there are additional running costs to maintain all these public areas such as heating and cleaning which cannot be sustained. Unlike a pub in a town centre the Dog and Partridge has low levels of customers coming in for drinks. The scenario in appendix 10 shows that even if you had 60 regular drinkers visiting per week the bar would not make a profit. Appendix 10 also shows the actual takings in the same week in February and August over the last three years. What is striking is how much the takings have fallen over this time. In terms of profit the bed and breakfast accommodation makes the most profit out of the three areas of the business, bar, food, and accommodation. The appellants have already invested money in building the extension to the building for the bedroom accommodation. The accommodation is let at £40 per person per night, the only outgoings for this are the cost of the breakfast, laundry and cleaning and so the majority of the income on the accommodation is profit. The food side of the business can make about 50% profit from the takings if business is busy. However if business is quiet, food can make a loss. This is because much of the food is freshly prepared beforehand. If no customers walk through the door the food is wasted. The business from bed and breakfast guests and when meals are booked in advance is much easier to manage since it is known in advance what staffing levels will be required and how much food will be required. This helps to make this side of the business more profitable.

- 6.17 The appellant is also aware that there is likely to be future competition from other operators for the day time food side of the business as planning permission has recently been granted for a café at Stephen Park next to the new forest hub at Gisburn Forest. Planning permission was granted in 2010 and for a barn conversion to a dwelling, bunk barn and café at Holden Lane about 5 km south of the appeal site by road. This makes it even more important that the business at the Dog and Partridge is run as effectively as possible.
- 6.18 The reorganising and rationalisation of the public area will allow the business to operate more efficiently and enhance the offer to staying guests by allowing the provision of a secure bike storage area and the opportunity to add a new income stream by offering bike hire to visitors. The accounts for the last 5 years submitted with the planning application show that the business has been operating at a significant loss, this cannot be maintained. Rationalising the

business to concentrate on the most successful element has the most chance of bringing the business onto a better financial footing. Running the business as a hotel catering for a market that is likely to expand makes better financial sense than persisting with an arrangement that is clearly failing.

- 6.19 Whilst I have separated out the dual function and significant of the Dog and Partridge in terms of its social role and its economic role these two element are undeniably linked together. Whilst it is desirable to retain village pubs for the benefit of the community this can only happen if the business is viable financially. It cannot operate at a loss. The Council's own Regeneration and Development Officer acknowledges the present difficulties in this sector stating *"there is no argument that the pub sector is probably going through one of its toughest times ever, blaming many factor contributing to continued closures (recession, increase in alcohol duty, smoking ban and changes in social habit generally), hitting those in particular located in remote and rural locations such as where the sector is regarded as being in transition and change"*. His further comments seem to be on the basis that the proposal includes the complete closure of the function of the premises as pub rather than the scaling down of the pub function in order to make it viable as was clearly described in the Statement accompanying the application. His criticism of the lack of a website was misplaced as reference to paragraph 6.12 above demonstrates.
- 6.20 This proposal puts forward compromises which would make it possible to retain a facility which functions as a local pub, that is somewhere to meet for a drink or have a meal and socialise with other members of the community whilst at the same time being economically viable by combining this with serving the needs of staying guests and visitors to the local area. The policies in the NPPF and the local planning policies seek to prevent the total closure and loss of village pubs. This proposal is not for the total closure of the premises to the public and the appeal for the proposed changes should not be treated or assessed as such. The proposal offers a solution to a problem which besets many similar village pubs in remote rural locations such as this and this approach of diversification and supporting the pub through alternative business is encouraged by the Council's own SPG . The alternative to this proposal is that this business will fail and the pub will close. Whilst it could be offered for sale we cannot envisage how another

occupier could attract sufficient custom to make the business viable other than by rationalising the space and supporting the 'pub' side of the business by attracting an alternative market such as mountain biking enthusiasts as already identified by the current owners.

Third party objections

- 6.21 The third party objections relate mainly to how the Dog and Partridge Pub has been run. The appellant Mrs Gridley offer the following comment in response.

"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.”

Other matters

- 6.19 Although policies G1 and DMG1 are listed on the refusal notice they do not appear to have any direct relevance to the proposal. Policy DMG2 is also not relevant as the development is within a defined settlement. Policy DMH3 refers to dwellings in the open countryside and again is not relevant.

7 Conclusion

- 7.1 We have demonstrated that the proposal will not lead to a total loss of a valuable community facility that this will be retained but reduced in scale to a size which is appropriate to the current level of demand and which would be economically viable. We have demonstrated that this reduction in scale is in response to and reflects the recent changes in the provision of community facilities in the area. Even with a reduction in the scale of the community facility at the Dog and Partridge, we have shown that that the scale and breadth of community facilities in the area is appropriate to serve the local community. The proposal is in conformity with NPPF paragraph 69 and 70.
- 7.2 We have demonstrated that by reducing the scale of the public house and concentrating on the element of the business which serves the specific

expanding market associated with mountain biking at Gisburn Forest the business at the Dog and Partridge will maintain suitable tourist facilities specifically catering for visitors to this part of the AONB and in doing so will support the rural economy and vitality of the area. The proposal is in conformity with NPPF paragraph 28.

8 Appendices

1. Photograph of signage for the Crowtrees Inn, advertising that it is open to non-residents
2. List of Activities at Community Hall
3. Web pages information regarding Gisburn Forest Mountain Biking.
4. Gisburn Forest Mountain Bike Trail
5. Stocks Reservoir Water Map.
6. Lancashire Cycleway Northern Loop Route 90
7. Forest of Bowland AONB leaflet with details of cycle routes in the area including the Roses Boarder Ride passing through Gisburn Forest and Tosside village and the Salter Fell Cross of Greet.
8. Gisburn Forest Bikes Website
9. XC MTB website
10. Weekly Takings
11. Receipts for website and new signs.

February 2013