



Appeal Decision

Site visit made on 31 October 2017

by **L Fleming BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 November 2017

Appeal Ref: APP/U2805/W/17/3180095

The Spread Eagle, 1 High Street, Cottingham LE16 8XL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr William Masson & Mr Thomas Southall against the decision of Corby Borough Council.
 - The application Ref 16/00512/COU, dated 2 December 2016, was refused by notice dated 19 May 2017.
 - The development proposed is demolition of outbuildings and conversion of public house to dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether the loss of a community facility in the form of the Spread Eagle public house is justified.

Reasons

3. Policy 7 of the North Northamptonshire Joint Core Strategy 2011-2031 (2016) (CS) states development should support and enhance community services and facilities, where appropriate by among other things, safeguarding existing facilities unless it can be demonstrated that they are no longer viable; no longer needed by the community they serve and are not needed for any other community use or that the facility is being relocated and improved to meet the needs of the new and existing community. This is consistent with the aims of Paragraph 70 of the National Planning Policy Framework (the Framework).
4. I acknowledge that the Spread Eagle has been closed for some time and was closed for over a year prior to the previous owner acquiring it in April 2013. I note that the enterprise has suffered from the effects of the smoking ban, national economic conditions and a general decline in beer consumption and customers. I also note its appearance and the limited outside space reduce its attractiveness particularly during the summer.
5. I accept that the previous owner was an experienced publican and invested substantial funds into the premises and that further substantial investment would be required to bring the premises back into use. I have also noted that there are two other public houses in Cottingham and others nearby and that

- prior to the previous owners there were numerous relatively short term tenants.
6. However, the level of competition also shows that a number of similar enterprises are viably operating in the area and the viability of a tenancy is not directly comparable to the viability associated with owning an enterprise. Whilst I accept the broad figures provided and the previous owners had been operating at a loss there are no detailed business accounts before me. Without which, I am not therefore satisfied the public house is not a viable business.
 7. With regard to marketing, even though the appeal property was marketed for sale from May 2016 at some £375,000 with limited interest, the price was substantially reduced before it was acquired by the appellant in December 2016. I do not know when during this period the price was reduced. Whilst I note the previous owners intended to sell the property at auction prior to the appellant's acquisition, it was never offered for sale at an auction at the much reduced price.
 8. Even though the Localism Act 2011 and The Assets of Community Value (England) Regulations 2012 allow a community up to six months to take the necessary steps to acquire and manage an Asset of Community Value (ACV), this is a different exercise to marketing a business for sale and a buyer acquiring it. Thus the time periods are not comparable and on the basis of the evidence before me, I am not satisfied that six months is a sufficient period of marketing, particularly given the difference between the original asking price and the price the appellants paid.
 9. Furthermore, whilst I acknowledge the comments that other uses have been considered including a restaurant, takeaway, office or other retail uses, there is no substantive evidence before me to suggest the appeal premises have ever been marketed for such uses. Moreover, whilst I note that the appellants have now advertised the appeal premises for sale, there is no substantive evidence before me on the level of interest.
 10. Even though the Council have decided not to register the appeal premises on as an ACV, the desire of the community to do so and the significant number of letters of objection show the facility is valued by the local community. In any event the Council's decision regarding the ACV does not negate the need for the proposal to accord with the development plan.
 11. Overall for the reasons given, I am not satisfied that the appeal premises have been appropriately marketed for sale as a community facility and overall through a lack of substantive evidence I am not satisfied the appeal premises cannot be viably used as a community facility. Thus the proposal is not justified and is in conflict with Policy 7 of the CS and paragraph 70 of the Framework which seek to avoid the unjustified loss of community facilities and guard against the unnecessary loss of valued facilities.

Other Matters

12. The appeal site is within the Cottingham Conservation Area (CA). I am therefore required to have special regard to the effect of the proposed development on the character and appearance of the area. I agree with the Council in that the proposal would not appear out of place and as such I consider the character and appearance of the CA would be preserved.

13. I note the proposal would negate the need for deliveries on Church Street and for customers to cross the road to use the car park which would have highway safety benefits. I also note the proposal would regenerate the area through bringing a building back into use. However, these matters or any other raised would not outweigh the harm I have identified.

Conclusion

14. For the reasons given above, the proposal would not accord with the development plan and therefore having had regard to all other matters raised I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR