

## North York Moors National Park Authority

Parish: Fadmoor	App No: NYM/2020/0227/FL
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**Proposal:** conversion of and extensions to former public house and outbuildings to form 2 no. local occupancy letting units and 4 no. holiday letting units with associated access, parking, bin/bike stores, amenity spaces and landscaping works (revised scheme following withdrawal of NYM/2018/0194/FL)

**Location:** Plough Inn, Boonhill Road, Fadmoor,

**Applicant:** HOLF Leisure, The Estate Office, Stoneley Woods, Fadmoor, York, YO62 7JH

**Agent:** Barrett+Barrett Architects , fao: Patrick Barrett, Mortec Office Park, York Road, Leeds, LS15 4TA

**Date for Decision:** 22 May 2020

**Extended to:** 24 July 2020

### Director of Planning's Recommendation

**That at the forthcoming planning appeal against non-determination of the application, Members indicate that the Authority's putative position on the development is that of: Approval** subject to the following condition(s):

1. TIME01 Standard Three Year Commencement Date
2. PLAN01 Strict Accordance With the Documentation Submitted or Minor Variations - Document No's Specified
3. RUS000 The occupation of the dwelling units 1 & 2 as shown on drawing no 1527/110/Rev E hereby permitted shall be limited to:
  - i) a qualifying person; and
  - ii) a wife or husband (or person living as such), licensee, dependant or sub-tenant of a qualifying person.

For the purpose of the above, a person is a qualifying person in relation to the dwelling if he/she has an interest in the dwelling (see Note A) and, immediately prior to occupying the dwelling, he/she has satisfied the Local Planning Authority that he/she was in need of local needs housing in term of the criteria set out in Policy CO13 of the adopted North York Moors Local Plan, namely that he/she is:

1. Currently resident in the National Park, having been resident in the Park for at least the previous 3 years; or
2. Currently in employment in the National Park; or
3. Having an essential need to live close to relative(s) who are currently living in the National Park; or
4. Having an essential requirement for substantial support from relatives who are currently living in the National Park; or

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Continued Condition 3

5. Former residents whose case for needing to return to the National Park is accepted by the Authority.

Prior to the occupation of the development the qualifying person shall have obtained confirmation in writing from the Authority that they satisfy the local need criteria outlined in points 1 to 5 above.

Note A: For the purpose of the above, a person has an interest in the dwelling if he/she has a freehold or leasehold interest in the whole or any part of it, or is a secure tenant or statutory tenant within the meaning of the Housing Act 1985 or the Rent Act 1977.

Note B: For the purpose of the above, resident within the National Park will include the whole of parishes split by the National Park boundary with the following exceptions:

Allerston; Beadlam; Burniston; East Harlsey; Ebberston and Yedingham; Great Ayton; Great and Little Broughton; Great Busby; Guisborough; Irton; Kirkby in Cleveland; Kirkbymoorside; Lockwood; Nawton; Newby; Pickering; Potto; Scalby; Snainton; Sutton under Whitestonecliffe

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|-----|--------|--|
| 4.  | RSUO00 | The dwelling units 3-6 hereby approved shall not be used for residential purposes other than holiday letting purposes. For the purpose of this condition 'holiday letting' means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year. |
| 5.  | WPDR01 | Withdrawal of all PD Parts 1 & 2 and 14 Classes A to I   |
| 6.  | RSUO04 | Domestic Outbuildings - No Conversion to Accommodation - Inside Villages   |
| 7.  | GACS07 | External Lighting - Submit Details   |
| 8.  | MATS04 | Stonework and Roofing Tiles to Match   |
| 9.  | MATS12 | Render to Match Existing   |
| 10. | MATS26 | Timber Cladding (horizontal)   |
| 11. | MATS52 | Windows - Lintels and Cills in Stone to Match Existing   |
| 12. | MATS54 | Trickle Vents Shall Not be incorporated into Windows   |
| 13. | MATS56 | Conservation Rooflights Only   |
| 14. | MATS62 | Window/Door Frames to be Painted Wood (White)  |
| 15. | MATS70 | Guttering Fixed by Gutter Spikes   |
| 16. | MATS72 | Black Coloured Rainwater Goods   |
| 17. | HWAY16 | Parking for Dwellings  |
| 18. | LNDS04 | Trees/Hedging Retained in Accordance With Plans  |

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Continued Conditions

19. LNDS00 No excavations for services, storage of materials or machinery, parking of vehicles, depositing or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place until a scheme which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority (herein after called the 'Tree Protection Scheme'). The scheme shall provide for a protection zone around each tree, hedge or shrub to be set out in accordance with guidance given in British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations and shall provide for the erection of protective fencing to consist of a secure vertical and horizontal framework of scaffolding supporting chestnut paling or chain link fencing no less than 1.3 metres in height (or of a specification to be agreed) to delineate each protection zone.
20. LNDS00 Prior to any hard or soft landscaping works being undertaken, full details of such works shall be submitted to and approved in writing by the Local Planning Authority. The landscaping works shall then be implemented in accordance with the approved details and be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
21. MISC00 The development hereby permitted shall not be undertaken until a programme of Historic Building Recording to a level 3 and analysis in accordance with a written scheme of investigation that has been submitted to and approved in writing by the Local Planning Authority. The work shall not be carried out otherwise than in accordance with that approved scheme of investigation.

**Informative(s)**

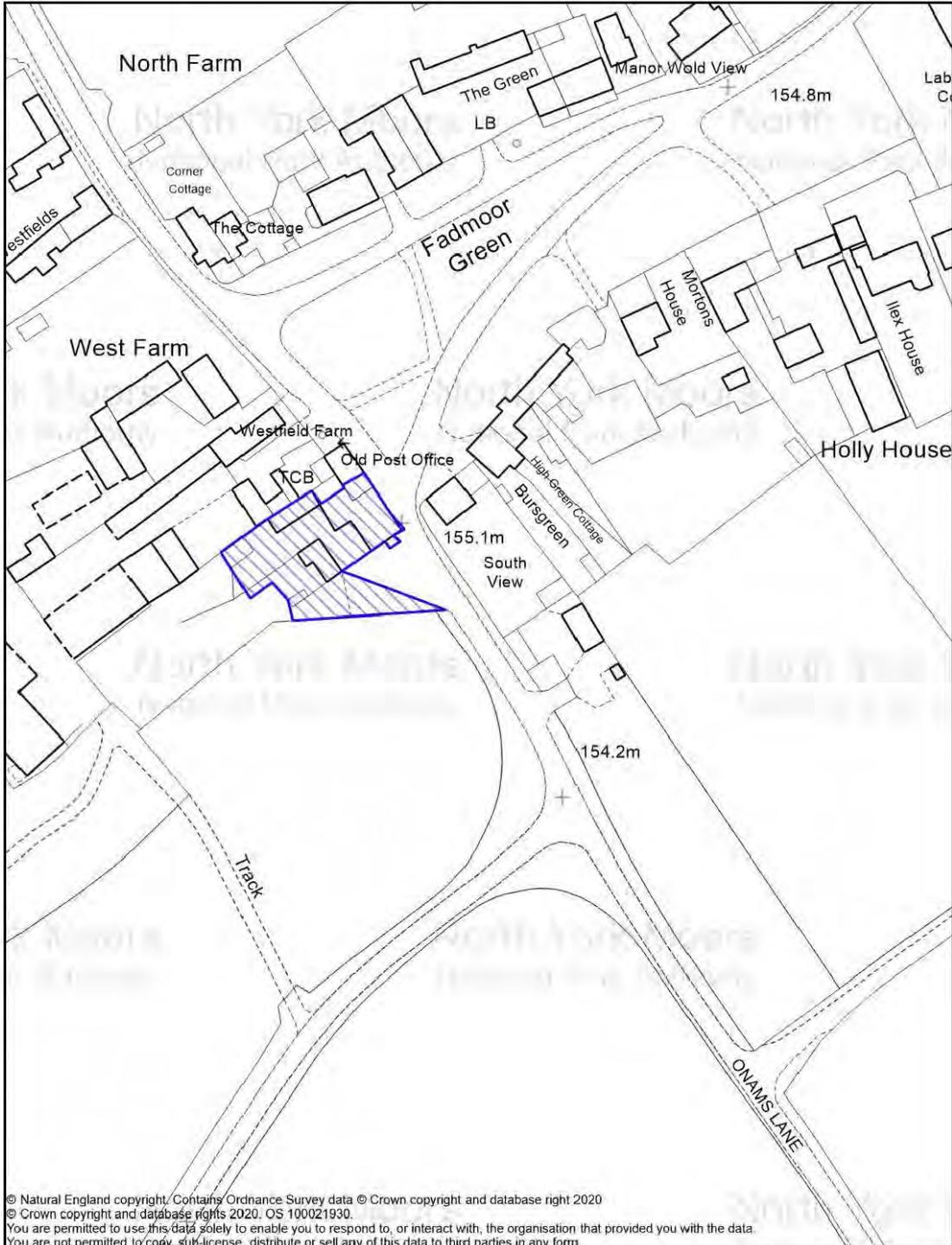
1. MISCINF01 Bats  
2. MISCINF12 Birds



**North York Moors  
National Park  
Authority**

Application Number: NYM/2020/0227/FL

Scale: 1:1250



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## Consultations

**District – Gary Housden, Head of Planning and Regulatory Services, Ryedale District Council – 14 July 2020 -**

### **Site Compulsory Purchase -**

Outwith the consideration of this application Ryedale District Council has been approached to consider the use of compulsory purchase powers available to it to purchase the site. This matter remains under consideration at the current time.

The Plough is listed as an Asset of Community Value (ACV) most recently added to the Council's list on 24th May 2019. The presence of the ACV is considered to be a material planning consideration which is required to be weighed in the planning balance. The status of the premises as an Asset of Community Value has previously been acknowledged by the North York Moors National Park Authority as being an important consideration. It is relevant that a previous scheme (Ref NYM/2016/0280/FL) sought to change the use of the building to offices and this was refused for the following reasons:-

1. The change of use of the public house, which is listed as an Asset of Community Value, to another use would result in the loss of a community facility and reduce choice when seeking to use a drinking establishment or pub restaurant facility within the locality. Although there is a public house in the adjacent village which is in walking distance, it is accessed along an unlit footpath and does not cater for the specific needs of the local community of Fadmoor, in terms of providing a base for social functions, activities and facilities... It is therefore considered that irrespective of the existence of a competitor PH, the loss of a valued facility and community asset such as this would have a detrimental effect upon the long-term wellbeing of the community. The proposal is therefore contrary to Core Policy I ...
2. The information submitted does not demonstrate, to the satisfaction of the Local Planning Authority, that the commercial proposition is no longer viable or that no licensee could reasonably be expected to make a living from the enterprise. The proposal is therefore considered to be contrary to Core Policy I of the NYM Local Development Plan which resists the loss of such facilities unless it can be demonstrated that it is no longer viable for a community use.

Whilst it is appreciated that the current application is for a combination of four holiday lets and two local needs occupancy residential units the weight to be attributed to both existing and emerging policy relating to the loss of community facilities is a significant factor in the consideration of the current application.

Previous Policy: Core Policy CPI supports the provision of new health, sport, education and other community facilities, and seeks to resist the loss of community facilities unless it can be demonstrated that they are no longer suitable or viable for a community use. The Conversions and the Economic Use Test Planning Advice Note sets out how the Core Policy will be applied and sets out the tests for ensuring a viable community use is not lost.

Consultation continued

However it currently states that holiday letting and local needs letting are considered to be an economic use and therefore in circumstances for the change of use to this purpose the viability and economic use tests will not be applicable.

**New Local Plan Policy:**

The NYMNPA website confirms that policies contained in the new plan shall have substantial weight when deciding planning applications because the Inspector's final report has been released and the NYMNPA intends to adopt the new plan on 27 July 2020.

Strategic Policy L - Community Facilities - Development that would result in the loss of a community facility or would compromise its use will not be permitted, unless it can be demonstrated that the facility is no longer suitable or viable in that location or that it is no longer needed through application of the viability and marketing tests set out at Appendix 2.

The Officer Report acknowledges that the existing adopted development plan is less stringent- on the basis of the local needs letting and holiday uses as being viewed as representing economic uses, and so there is no specific requirement for viability. However the limited information submitted in relation to this issue with the current application is considered to be out of date (from 2011) and of little value to the consideration of the application at the present date.

It is considered that the purpose of the policy objectives both in the existing plan and in particular in the soon-to-be-adopted emerging plan require rigorous testing to be carried before a loss of a valuable community facility can be justified. It is considered that this change of use will bring limited community benefits. The local needs lettings and the holiday units are not considered to be community facilities, and the extensive responses from the local community are testament to this. In line with Strategic Policy L it is considered that the applicants should have sought a new valuation of the property, and all attempts to sell the business should be demonstrated. There appear to have been no consistent recent efforts to sell the property, and the scheme has been articulated to avoid current viability assessment requirements of the existing development plan which is shortly to be superseded.

The lack of up to date viability evidence and marketing should be fully explored to satisfy the emerging Policy L Community Facilities, and it is considered that a decision should be deferred until that body of evidence is presented. In the absence of such justification it is considered that the loss of the listed community asset should be resisted and the application refused.

The Officer Report has rightly engaged with heritage considerations and the state of the building and adjacent land. However the current neglected appearance of the site and the building is not in itself considered to be sufficient to justify approval of the application as part of the consideration of the overall planning balance.

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Consultations continued

In any event the Local Planning Authority retains other controls under Section 215 of the Planning act to secure improvements to the appearance and buildings where the visual amenity of a locality is considered to be adversely affected.

**Site Layout and Amenity**

During the processing of the application the scheme has been redesigned to address the comments of consultees. It appears that a key change has been to the configuration and layout of on-site parking provision. The amended plans appear to show a communal courtyard area and on-site parking in close proximity to the local needs (permanent) residential units. The associated amenity areas for the residential units also appear to be divorced from the units that they are intended to serve by the communal courtyard area. The close proximity to the communal court yard and car parking areas which is intended to serve the entirety of the development proposed is likely to result in significant levels of noise and disturbance to the future occupiers of the permanent dwellings. Notwithstanding the comments raised in relation to the principle of the development above it is considered that this aspect of the application should be revised to provide for a scheme that meets the needs for all future users in accordance with Current Development Policy 3 Design and emerging policy – Strategic Policy C – Quality and Design of Development.

**Parish** – This differs from previously withdrawn application only in that two of the units are now being offered for local occupancy. The suggestion that this would be of benefit to the community is disingenuous since it is well known that the applicant has, in his employ, numerous staff to whom he could give the tenancy with no benefit to the wider community.

The circumstances surrounding The Plough are the same as those in previous applications which were either refused or withdrawn except that the premises have been allowed to deteriorate even further and the registration as an AVC has been renewed.

**Highways** – No objections subject to conditions.

**Designing Out Crime Officer, North Yorkshire Police** – Make the following comments -  
Lighting - Although it is accepted that light pollution may be a consideration, lighting or the lack of it can have a significant impact on crime and the fear of crime. It is recommended that the car park be illuminated in line with guidance provided by the Institute of Lighting Engineers.

Cycle Storage - It is noted that the scheme is to include a covered cycle shelter. It would be preferable for cycle storage to be located within a secure structure.

Doors & Windows - All doors and windows should be to a good security standard to make forced entry harder to achieve

**Police** – Traffic –

**Environmental Health Officer** –

**Yorkshire Water** – No comments.

**CAMRA** –

**National Grid** –

**Site Notice Expiry Date** – 30 April 2020

**Others:**

**The following people have objected for some or all of the following reasons:-**

Peter H Johnson, Boonhill, Fadmoor  
RE, PH & Claire Ibbotson, Heathernest, Boon Hill Road, Fadmoor  
R Murray & C Hogg Boonhill House Fadmoor  
CB Smailes, Westfields, Boonhill Road, Fadmoor  
Mr & Mrs Johnson, Boonhill House, Fadmoor  
Claire Franklin, Owner of The Cottage, Gillamoore  
K & J Davies, 1 Southlands, Queen Street, Gillamoore  
J & W Kay, 106 Moorlands Rd, Birkenshaw, Bradford  
H Sheard, The Firs, Headlands Road, Appleton-le-Moors  
John Longden OBE FRICS Chief Executive, Pub is the Hub, Harrogate  
Martin Booth, Secretary, Hudswell Community Pub Ltd, Richmond  
Ruth Gibson, Waingate Cottage, Fadmoor  
G A Mc Mahon, Administrator, Fadmoor Community Pub Ltd, Holly House Farm,  
Jean Mc Mahon, Holly House Farm, Fadmoor  
Mr & Mrs Jenkinson, Rigton Hill, North Rigton, Leeds  
Mr & Mrs Harris 25A Lansdowne Road, Bridlington  
R Armistead, 4 Barnard Close, Pendas Fields, Leeds  
Mr D Harris, Stoneycroft, Boonhill Road, Fadmoor  
Mrs B Barris, Stoneycroft, Boonhill Road, Fadmoor  
T & J Ramsdale, Applegarth, The Green, Fadmoor  
Mr K Garrett, Priority Cottage, Bracewell, Skipton  
K Davies, 40 Ings Lane, Kirkbymoorside  
AH Wass, 1 Mowbray Crescent, Hovingham  
CB, LA & T Smailes, Westfields, Boonhill Road, Fadmoor  
J & D Browning, Southview Cottage, Fadmoor  
P Crawley, Ilex House, Main Street, Fadmoor  
Mrs Tracy Hostler of Low Hagg Farm, Starfitts Lane

- There is an oversupply of holiday accommodation in Fadmoor, which detracts from the village and it's sense of community.
- Existing holiday accommodation businesses would benefit greatly from having a pub in Fadmoor.
- A pub is much needed in Fadmoor for use by local residents, holiday makers and those living nearby.
- The pub in Gillamoore has run mainly as a restaurant and does not operate as a village pub.
- There appears to have been a concerted effort to ensure the decline of the building to the point that it can be claimed to be an eyesore and that redevelopment is the only solution.

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Others continued

- There is clearly support for a public house in the village and it would also provide a great many other community benefits and services.
- There is no sound planning case for the development of holiday cottages.
- As a pub there would be a much needed amenity for the village. As holiday lets there would be no benefit to the village whatsoever.
- There is a viable alternative - that is to reopen The Plough as a pub.
- The pub has been registered as an Asset of Community Value and there is no doubt that it could be successfully operated as a community pub.
- There is no capacity for additional holiday accommodation in Fadmoor.
- Re-opening of The Plough as a pub would be of enormous benefit to the village and surrounding areas.
- The local occupancy housing would be likely go to the Estate staff to look after the four holiday lettings.
- The Camping & Caravan Certified Site at Southview Cottage, would benefit if the Pub was to open as trade has been very light since its closed.
- We would like to have our village back as to what it was before and everyone would benefit from it.
- Fadmoor is a great community spirited village and in the past when The Plough was in Family ownership it was well supported and provided a hub for village activities.
- 'The Pub is the Hub' team that re-opened The Grapes Inn at Great Habton back in 2000 The present owners have been there for over 15 years and have a successful business, so it proves it can be done!
- The recent owners' system of one manager and two public houses to run (Plough and Royal Oak Gillamoore) doesn't work. A shrewd business owner would have had separate managers working together but in competition.
- Nothing wrong with The Plough but just requires knowledgeable management and it will be successful in every way.
- The issue is that the site is worth lot more as a residence than as a pub.
- The Plough Inn is a registered Asset of Community Value (ACV) and was re-registered on 24 May 2019 by Ryedale District Council after rigorous appraisal of the community's plans which were supported by the Authority.
- The loss of a valued facility and community asset would have a detrimental effect upon the long term wellbeing of the community. In a recent consultation ninety percent of the community objected to the proposal and wished to retain The Plough as a Community Pub. The proposal is therefore contrary to Core Policy 1 of the North York Moors Local development Plan which seeks to resist the loss of such facilities.
- Fadmoor Community Pub Limited is a Community Benefit Society legally registered by the FCA and established in September 2019 to purchase and operate The Plough as a community pub. There is in existence, a perfectly sound plan by the village to restore The Plough to its former use and run it as a viable business by people who are competent to do so.
- The business was deliberately run down, then offered 'for sale' at an unrealistically inflated price.
- The proposed plans show excessive development beyond the capacity of the site. Six residences would overload the provision for refuse disposal, parking for letting residents, many of whom it should be anticipated will have two vehicles. In addition, the provision of space for service and maintenance staff would further overwhelm the available space.

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Others continued

- I wish to refer you to NYMNP planning policy section 9 which is designed to help and protect community facilities. The Authority has robust policies to protect against the loss of village pubs and their importance to the wellbeing of local communities is recognised by central government.
- The Plough at Fadmoor has now been closed just over nine years. That's a considerable time. I have just looked at the Good Pub Guide for 2011 printed 2010. For the whole of North, South, East and West Yorkshire there was just 67 pubs that made it into the top category of the guide. The Plough was there. Pubs in the top section have enough charisma, character and attributes to survive.
- We now have a Community Benefit Society, Fadmoor Community Pub Limited has a viable plan to purchase the premises on behalf of the community for a fair price to be operated as a community business.
- Tired of hearing that Fadmoor can use The Royal Oak at Gillamoore. The path to it is unlit and has dual use for pedestrians and vehicles.
- It is well documented that the villages of our National Parks have suffered severe degeneration. The degeneration is very linked to the wealthy buying second homes and the purchase of properties to holiday let. Villages are becoming ghosts of their former self.
- Other village pubs are run very well such as The Moors Inn Appleton le Moors, The Blacksmith Arms Lastingham .The Crown Hutton le Hole. All these pubs are run very well by excellent Landlords and Staff.
- The Plough Inn was seen to be the Heart of the village used by ALL.
- The Community of Fadmoor as a whole have raised enormous amounts of money as they put on numerous events over the years.
- The most talked about downfall of this beautiful village is" No Pub" for Visitor's, Walker's or Holidaymakers.
- The Community has no appropriate alternative.
- We believe that the reasons for refusal of the previous application for change of use, extracted below, are still valid.
- The proposal is contrary to Core Policy I of the North York Moors Local Development Plan which seeks to resist the loss of such facilities unless it can be demonstrated that it is no longer suitable for community use.
- There is a huge housing development going up in Kirkbymoorside which will offer affordable homes.
- Attempts to mediate by our MP and by Plunkett Foundation have been firmly rebuffed.
- Fadmoor Community Pub Limited's proposal encompasses much more than a traditional pub and involves community facilities covering all age groups and includes provision for youth work and training, educational and social facilities. The business can be profitable as evidenced by professional market assessment and review of the proposals by Plunkett Foundation specialists.
- The Prime Minister has stated it will be the intention of Government to support communities to take possession of their rural pubs, and an extract from National Park information circulated to Planning Officers on 7 January 2020 referring to grant availability from Government reads as follows: "Pubs run by the community and for the community help bring people closer together. Importantly, they are a space for older, vulnerable and more isolated residents to access important local services and feel part of their communities."

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Others continued

- Fadmoor Community Pub Limited is prepared to purchase the premises for an independently agreed market price, which will be entirely for community benefit and the purchase can be financed.
- I am the secretary of Hudswell Community Pub Ltd and an advisor for the Plunkett Foundation which supports community pubs across the country. The George and Dragon in Hudswell was closed 12 years ago. Two years later the community in Hudswell bought it through a community share issue and re-opened it. The pub has been extremely successful and has been judged by CAMRA to be the best pub in Yorkshire for the last four years running. This success has been echoed elsewhere.
- There are now about 100 community pubs across the UK that have been purchased by their communities over the past ten years. None of them has subsequently closed.
- We have been working recently with Fadmoor Community Pub Ltd. Since Pub is The Hub was founded in 2002, we have successfully enabled hundreds of small pub businesses with great licensees to become a force for good in their neighbourhood, providing over 600 essential services.

**The following people support the application for the following reasons:-**

James Pilmoor, Rose Cottage, Gillamoore  
N A Nicholson, 14 Netherwindings, Haxby, York  
William Blizzard FRICS Rose Cottage, Pockley  
Sam Gascoyne, Poplar Farm House, Scotton, Knaresborough  
Mrs J Bushell, Angram Grange, Cold Kirby  
Margaret Smyth, Manager, The Royal Oak, Gillamoore  
Mr Stuart Boyle, 23a Marketplace, Kirkbymoorside  
Mr R Sharples, 14 Springfield Lane, Kirkbymoorside  
Emily Thomson, Weston Manor, Weston, Otley  
Ben Stevenson, 4-5 Park View Cottage, Kirkby Overblow, Harrogate  
Christine Bushby, 3 Keepers Cottage, The Row, Main Street, Gillamoore

- This run down pub should be given a new lease of life.
- At the moment it is an eyesore for the whole community.
- This application will bring more people to the area which will hopefully shop locally, and create jobs .
- The residential let's would get some families in to possibly support the local primary school in Gillamoore.
- Pleased that the owner has identified a viable use for the building.
- This clearly isn't viable as a pub and can see no reason why the Royal Oak can't serve both villages.  
It would be good to see this site brought back into use in a way which will support the local tourism industry & associated economy.
- Having worked at this pub and The Royal Oak, I saw first-hand how running concurrent pubs was not economically viable.
- The current plans would be ideal for the village in terms of jobs and tourism. With the current situation many pubs will not reopen so to develop the cottages would be the best way forward.

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Others continued

- As the current manager of the Royal Oak in Gilamoor I can say how poorly supported the pub is by the vast majority of locals in Fadmoor and Gillamoor. The idea that the two villages can support two pubs seems very unlikely, when 90% of the locals don't use the one.
- If The Plough is converted into holiday cottages and rental accommodation it would bring much needed jobs and housing to the local economy.
- Change of use would be great to see and I've noticed that a number of farm properties have been converted into dwellings to regenerate the entire village area greatly.
- This should not dishearten the local people or regular visitors as there is a fantastic pub, The Royal Oak in Gillamoor very nearby which will continue to support and sustain the local people and regular visitors.
- If The Plough Inn was currently viable as a public house it would be running as one. No pub closes without good reason. Times have changed, along with social habits, people's requirements and expectations.
- The proposals shown are considered to be a sensible development and enhancement of the existing buildings, the site, the village location and the locality. As detailed they also appear to be a very realistic proposal complying with the planning guidance and policies of the North York Moors National Park and should therefore be fully supported and permission granted.
- I was the chef from 1997 with the previous owners and then I became licensee and remained the chef until it closed in 2010. I am currently Chef/Licensee at The Royal Oak. The previous owners struggled financially in the three years they traded. We had good trade during peak season April -Sept 2001, mainly due to tourists attracted to the North York Moors. However, the low season from October - March was always difficult with only local trade to rely on. There were a handful of locals that used the pub regularly but this was not enough to keep the business afloat.
- The North York Moors is crying out for more holiday cottages to boost the local economy and local low cost housing as these are in high demand.

### **Background**

This application was considered by Members at the Planning Committee in July but was deferred in order to seek more information regarding whether the community request for Compulsory Purchase by Ryedale District Council had formal Council agreement together with associated resourcing and also for a Viability Assessment to be undertaken to provide information regarding the likelihood of the building successfully being brought back into business as a pub. It is notable that it was at the July meeting when the Local Plan was adopted at the beginning of the Meeting and that this item was considered shortly afterwards. Whilst the report for the item was prepared prior to the Meeting and both extant and emerging plan policies were reported and accorded weight, following the adoption of the new Plan and cancelling of the previous plan, weighting had to transfer to the new Local Plan.

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Background continued

The Viability Assessment has been commissioned but at the time of writing a full report is still awaited, although initial comments are that the costs of bringing The Plough back into use as a pub will be extremely high, due to extensive work required to the fabric of the building, a complete internal refurbishment programme as all trading rooms, as well as the living accommodation, are in a poor state of repair and decorative order, including mould growth.

The occupier of this building would strip the internal parts back and install new services, including re-wiring, new central heating boiler and system, plumbing work and installation of new sanitary ware, and re-fitting the catering kitchen to current standards. It may also be that notable improvements would need to be provided to the Beer Cellar in order to satisfy environmental health requirements.

In summary a substantial sum of money is likely to be required to be expended on the property. This relates to both putting the fabric and the external parts into good repair and condition, as well as re-furbishing the internal parts.

Following the deferral of the planning application at July's Planning Committee, the applicant has made an appeal to the Planning Inspectorate on the grounds of non-determination. Consequently, the Local Planning Authority can no longer determine the application; however, the Authority is required to advise the Planning Inspectorate as to whether it would have approved or refused the application.

The Authority has not yet been advised of the start date for this appeal.

To recap, particularly for the benefit of any Members who were not at The July Planning Committee Meeting:

The Plough Inn has been a long standing village pub for over 200 years, and was located centrally within the village of Fadmoor, just to the north of Kirkbymoorside.

The pub was closed by the current owner in 2011 and for a period from October 2014 until around 2017, was used as an Estate office for the Pennyholme Estate, without the benefit of planning permission.

In 2013, the residents of the village registered the premises as an Asset of Community Value (ACV) with Ryedale District Council and have actively tried to find either a purchaser for the pub or buy it themselves to run as a community pub. This ACV was renewed in 2019.

The premises were put on the market in January 2011 and taken off the market in April 2012 (15 months). The pub was marketed through the agents "Fleurets" who specialise in the leisure and hospitality sector with an asking price of £495,000. Fadmoor Parish Meeting formed a group to find a new owner and put together a plan to reopen it as a Community Enterprise and put together a proposal to purchase the Freehold based on an independent valuation and to lease the premises in the short term whilst the funds were raised. However, this offer was not accepted and the pub was subsequently taken off the market.

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Background continued

A planning application was submitted in 2016 which sought planning permission for a permanent change of use of the ground floor premises, from a pub to B1 offices to serve as an Estate office for the Pennyholme Estate, which owns and manages 7,690 hectares immediately to the north of the village of Fadmoor. It was proposed to retain the first floor as a residential flat.

The application was recommended for approval by Officers, but refused at Planning Committee for the following reasons:-

1. In the opinion of the Local Planning Authority, the change of use of the public house, which is listed as an Asset of Community Value, to another use would result in the loss of a community facility and reduce choice when seeking to use a drinking establishment or pub restaurant facility within the locality. Although there is a public house in the adjacent village which is in walking distance, it is accessed along an unlit footpath and does not cater for the specific needs of the local community of Fadmoor, in terms of providing a base for social functions, activities and facilities. This is partly due to the different room arrangements and also due to the different focus of the public House in Gillamoore towards holiday letting rooms and tourism. It is therefore considered that irrespective of the existence of a competitor PH, the loss of a valued facility and community asset such as this would have a detrimental effect upon the long-term wellbeing of the community. The proposal is therefore contrary to Core Policy I of the North York Moors Local Development Plan which seeks to resist the loss of such community facilities unless it can be demonstrated that it is no longer suitable for a community use.
2. The information submitted does not demonstrate, to the satisfaction of the Local Planning Authority, that the commercial proposition is no longer viable or that no licensee could reasonably be expected to make a living from the enterprise. The proposal is therefore considered to be contrary to Core Policy I of the NYM Local Development Plan which resists the loss of such facilities unless it can be demonstrated that it is no longer viable for a community use.

This current application seeks full planning permission for a change of use of the site to provide two local occupancy letting units and four residential holiday letting units. The development would comprise the conversion and modest rear extension to the frontage pub building to provide two local occupancy letting dwellings with one holiday letting unit at the rear. It is also proposed to extend and convert three existing stone outbuildings to the rear of the site to provide three further holiday lets. The two local occupancy units would provide two bed dwellings and the holiday lets would comprise two 2-bed units and two 1-bed units. The area to the rear of the frontage building would provide communal and private courtyard garden/amenity spaces, with 8 no. car parking spaces to side and rear and associated waste bin stores at the front of the site and bike stores to the rear.

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Background continued

In support of the application, the applicant's agents states that:-

We appreciate that the previous planning application for the change of use to ground floor offices was refused due to the property being registered as a Community Asset and lack of supporting information for the financial non-viability of the business. However, as the Public House ceased trading in Jan 2011, and is now boarded up with no access for the public and therefore it makes no contribution to the community, it is clearly not a Community Asset.

The communities of Fadmoor and adjacent Gillamoore do however have other alternative shared Community Assets which are well suited for this purpose, i.e. the Village Hall, the Church, the School and the Royal Oak Public House.

This application is an excellent example of a local established business seeking to reuse and invest in a 'redundant' building to provide a sustainable and economical enterprise that would benefit the entire community in many ways.

### **Main Issues**

#### **National Planning Policy Framework**

Paragraph 78 of the NPPF relates to rural housing and seeks to promote sustainable development in rural areas, stating that housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

Paragraph 83 seeks to enable the sustainable growth and expansion of all types of business in rural areas, including sustainable rural tourism and leisure developments which respect the character of the countryside; and the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

Paragraph 92 seeks to ensure the provision of social, recreational and cultural facilities and services the community needs, and ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.

#### **Local Plan**

**Policy UE1** sets out the Plan's approach to the location of new tourism and recreation development within the National Park. It directs new tourism and recreation development to Helmsley and villages named in the settlement hierarchy.

**Strategic Policy L** seeks to resist development that would result in the loss of a community facility unless it can be demonstrated that the facility is no longer suitable or viable in that location.

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Main Issues continued

However, it also states that the Authority does accept that there may be some cases where the loss of a community facility is justified because it is no longer suitable to meet a need or is no longer economically viable. Strategic Policy L aims to strike a balance between the retention of community facilities and the need to accept their loss if there are genuine and demonstrable reasons why the use cannot continue.

Permission resulting in the loss of facilities will only be granted if it can be demonstrated robustly that the facility is no longer suitable or viable for its community use. This must be demonstrated through the application of the viability and marketing tests set out at Appendix 2

**Policy CO8** seeks to permit local occupancy housing in smaller villages, either as new build on smaller sites or as a conversion of an existing building which lies within the main built up area and makes a positive contribution to the character of the settlement.

**Appendix 2 – Viability Tests** - sets out that applications must be supported by evidence that the current use is economically unviable and that it has been subject to a robust marketing exercise to find a new owner. Applicants must provide evidence that a comprehensive marketing exercise to dispose of the existing enterprise has been carried out. In most cases applicants will need to carry out a minimum of 12 to 24 months active marketing depending on the circumstances of the case.

Applicants must provide evidence that a comprehensive marketing exercise to dispose of the existing enterprise has been carried out. In most cases applicants will need to carry out a minimum of 12 to 24 months active marketing depending on the circumstances of the case, which should include the use of an established commercial agent; advertising in the local and regional press as follows (usually a minimum of one advert per month or online for 12-24 months), a minimum of two adverts or one online advert over the marketing period in a relevant national publication and where appropriate, registration of the availability of the property on the relevant Local Authority Commercial Property Database.

## **Material Considerations**

### **Registered Community Asset**

The Plough inn was registered by the community as an “Asset of Community Value” (ACV) with Ryedale District Council in October 2013 and this was renewed in 2019

The Department for Communities and Local Government (DCLG) Guidance published in 2012 states that it is open to the Local Planning Authority to decide whether listing as an ACV is a material consideration if an application for change of use is submitted, considering all the circumstances of the case. However, it also advises that the provisions do not place any restriction on what an owner can do with their property so long as it remains in their ownership because it is planning policy that determines permitted uses for particular sites.

Furthermore, the provisions do not restrict who the owner sells their property to, but if they put it on the market, they need to give the local community six months to prepare a bid to buy it, although the owner does not have to accept that offer.

Main Issues continued

The community do appear to have the will and finances to purchase the closed pub if they were able to, and to run it successfully. However, the pub has been closed since 2011 and the owner does not wish to sell it. The National Park Authority does not have the powers to force the owner to sell; it must restrict its consideration to its own planning policy position and whether or not a change of use would be supported.

### **Loss of Community Facility, Viability and Location of Nearest Alternative**

The issue of the loss of a community facility and the proximity and suitability of the nearest alternative all have a bearing on the weight given to the argument of viability.

Appendix 2 of the NYM Local Plan does suggest that the Authority should seek an independent assessment of viability in relation to the loss of public houses. However, it does also acknowledge that in some cases the loss of a facility is very difficult to prevent. Stating that in exceptional circumstances the change of use may be justified through application of a suitability test where a building is deemed unsuitable as an economic use because of particular locational or structural constraints that prevent redevelopment. Also, where reference is made to the availability of other buildings for economic purposes the National Park Authority will need to make a judgement about whether comparisons may be drawn.

Paragraph 7.5 of Strategic Policy L states that “the Authority does accept that there may be some cases where the loss of a community facility is justified because it is no longer suitable to meet a need or is no longer economically viable. In such cases an inflexible approach could...result in empty buildings that could become neglected”. Whilst Officers do acknowledge that there is strong local support for a pub to be open in the village they must balance this against the fact that pub has been closed for a substantial period of time and that it has been subject to a marketing exercise to gauge whether others would take it on. Whilst the loss of community resource is always regrettable it would have the benefit of putting a long vacant building back into use.

In addition in this case, Fadmoor and Gillamoore have a joint Parish Plan in which it is stated that the two villages are in such close proximity that they share facilities, with the school, church, chapel, cricket field and Royal Oak in Fadmoor and the village hall and The Plough in Fadmoor. Consequently, it could be considered that the pub in Gillamoore which is only 0.6 miles from The Plough and only a ten minute walk along a wide well surfaced level pavement would provide an easily accessible alternative facility. This was the view of Officers to the previous application for change of use; however, Members were of the view when the previous application was refused that The Royal Oak would not serve the needs of both communities.

In this instance however, both holiday lets and local occupancy letting units are considered to be alternative economic uses, which benefit the rural economy and are supported by both local and national policy.

### **Local Occupancy Housing**

The provision of such housing through conversion schemes is supported in both the adopted and draft local plans. The two local occupancy units would be located in the frontage of the site, overlooking the green in order to ensure better cohesion with the village community. It is considered that the provision of two small units of accommodation to let would meet the needs of those already living and working in the National Park but unable to afford the cost of open market dwellings for sale in the locality, partly due to inflated prices created by second homes.

### **Tourism Accommodation**

The provision of holiday lets through the conversion of existing buildings is supported in both the adopted Local Development Plan and the Draft Local Plan. It does not detract from the existing housing stock and brings an economic benefit to these rural localities, in terms of both rental payments and the use of local facilities and tourist attractions.

### **Previous Marketing**

The Plough is not currently on the market, however it was on the market for 15 months between 2011 and 2012 and the applicant has previously stated that there were no genuine enquiries, although it is understood that the Local Community did put a bid together at a sum they considered to be a reasonable market value (significantly less than the asking price), but this was not accepted.

Whilst the Authority has not employed the services of an independent valuer, it would appear that the pub was on the market at around the middle price range for the area at the time. For the reasons set out regarding viability, it is not considered that in this instance, it would be reasonable for the Authority to require further evidence regarding the market value of the property.

However, whilst a valuation has not been sought, the Authority have commissioned a Viability Assessment to provide guidance on whether, taking into account the investment required and the current economic climate, the building could be successful and viably operate as a pub again.

### **Impact on other Businesses**

Whilst it is acknowledged that the operation of the pub did benefit the other local businesses in the village, through customers generating passing trade and providing an additional draw for holidaying in Fadmoor; it is not considered reasonable to put the responsibility of other businesses success and successful marketing onto this previous pub business.

The village community also have the ability to investigate other opportunities for the provision of alternative premises for a similar community facility in an existing business for example.

### **Design and Visual Amenity**

The current building has now been vacant for some time, with the pub use ceasing in 2011, and it is falling into a poor state of repair. As such the site now has a detrimental impact on the character and visual amenity of the village. There seems to be very little likelihood that the current owner will sell the site, as it has not been providing an income for the last nine years and that has not forced a sale.

However, The Plough Inn as was is considered to contribute to the architectural and historic character of the village and the wider National Park landscape forming an important group of historic buildings at the entrance to the village. The building is believed to date from the 18th century, originally constituting a row of single-cell cottages. The relationship between the principal building and its ancillary outbuildings, most of which are also 18th century, remains evident and the variety of roof heights provides views through the site to the Listed farm and farm buildings of Westfield Farm. As such, whilst not listed, the building is considered to be of architectural merit as to warrant identification as a non-designated heritage asset. Paragraph 197 of the NPPF states that in weighing applications that affect a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset.

It is considered that the building would lend itself quite well to domestic conversion having previously been a row of one and two room cottages. It is considered that the frontage of the site would retain its original character and the scale of the alterations at the rear has been reduced through negotiations to retain their scale and character and better views through the site. It is considered that the resultant development would make a positive contribution to the character of the village and provide a beneficial new use.

### **Contribution to Management Plan Objectives**

The Management Plan sets aims and objectives for tourism, community facilities, land management and local businesses.

This proposal furthers some of those objectives but also hinders others.

Policies C6 and C7 seek to support the provision of new community facilities and resist the loss of uses such as pubs, which provide an important service to local communities. It accepts that there is no control over pub closures, but that planning permission can be refused unless it's been robustly demonstrated that the original use cannot continue. However, the Management Plan also supports the provision of new facilities, such as considering alternative premises within a village, in this case for example, could it be explored whether other existing businesses or buildings could provide a community social facility.

The Plan also acknowledges that tourism is an important element of the economy in terms of both income generation and a source of employment and that residents also benefit from visitor facilities. The aims of the tourism policies within the management plan are to seek to increase visitor spend, increase opportunities for visitors outside the peak seasons, improve overnight tourist accommodation and improve the quality and variety of facilities.

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Main Issues continued

It is accepted that the closure of this public house does not further these aims, as it does result in the potential loss of a tourism and community facility. However, it is also considered that the Royal Oak pub in Gillamoor, which serves food, drink and also has accommodation, does provide a similar tourist facility

**Recommendation**

In view of the above, the consideration of the above application is finely balanced.

It is accepted that the closure of the pub may have affected the way other businesses operate in the village, may have resulted in less passing tourist trade and resulted in the residents of Fadmoor not having the convenience of a pub within less than a five minute walk from their homes.

However, the proposal would provide two units of local occupancy housing, and provide holiday accommodation which will accommodate tourists who are likely to contribute to the local economy through spending in shops, restaurants etc. The development would also ensure that the busing is brought back into use and a better state of repair, which would contribute to the character of the village.

Whilst Officers fully understand the views of many residents at the passing of a well-loved and remembered local pub, the reality is that the village has not had the benefit of The Plough Inn for nearly a decade. There is an alternative facility within walking distance and in many villages where the nearest public house is a car journey away, community efforts have focused on providing a new pub facility in a building that is available for such a use. It is surprising that in view of the strength of feeling in this instance such a venture has not been pursued.

The Plough Inn as it used to be cannot be brought back by a planning decision but is reliant on the owner's intent. It is clear in this case that there is no wish to do so. Other efforts have sought to look into obtaining the building through CPO but the District Council has also not taken this path in the many years this property has stood empty and idle.

Members should be aware of the limitations of the role of the National Park Authority in this case, as the Local Planning Authority. It would not benefit good planning delivery to continue to refuse alternative uses of these buildings that would have some community and economic benefit whilst also resolving a worsening physical /environmental problem in an attractive moors village. To do so, in the face of policies that would support the new uses proposed would be considered to be unreasonable and Officers strongly advise that a refusal of this application would be difficult to justify.

Consequently, in view of all of the above considerations, approval is recommended.

**Pre-commencement Conditions**

Condition 21 is a pre-commencement condition and has been agreed in writing with the applicant/agent.

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**Explanation of how the Authority has Worked Positively with the Applicant/Agent**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposal including improvements to highways detailing, so as to deliver sustainable development.