

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2021/0290/FL

Development description: alterations to and change of use of public house to form 2 no. principal residence dwellings with associated parking and amenity space

Site address: Wheatsheaf Inn, High Street, Egton

Parish: Egton

Case officer: Mrs Hilary Saunders

Applicant: Mr N and Mrs E Pullin
Wheatsheaf Inn, High Street, Egton, Whitby, YO21 1TZ

Agent: Cheryl Ward Planning
24 Westfield Mews, Kirkbymoorside, York, YO62 6BA,

Director of Planning's Recommendation

Refusal for the following reason(s)

Reason(s) for refusal

Refusal reason code	Refusal reason text
1	In the opinion of the Local Planning Authority, the change of use of the public house to another use would result in the loss of a community and tourist facility and reduce choice when seeking to use a drinking establishment or pub restaurant facility within the locality. It is considered that irrespective of the existence of a competitor Public House within the village, the loss of a community and tourism facility would have a detrimental effect upon the long-term wellbeing of the community and the local economy. The proposal is therefore contrary to Strategic Policy L and Policy UE3 of the North York Moors Local Development Plan which seeks to resist the loss of such community and tourist facilities unless it can be demonstrated that it is no longer suitable for a community or tourism use.
2	The information submitted does not demonstrate, to the satisfaction of the Local Planning Authority, that the property has been appropriately and recently marketed to demonstrate that a 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 Strategic Policy L 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.

Consultation responses

Parish

No objection

Highways

No objections

Third party responses

Name

Oliver C Foster MRICS, Egton Estate, Egton Bridge - Object on the grounds that The Wheatsheaf Inn is a premium quality Public House, a Community facility and should not be lost to residential development.

National and Local Planning Policy sets out to protect Community facilities from proposals that would result in their loss. This application potentially means the loss of a service facility which is outstanding, delivering exceptional quality food and drink.

The Wheatsheaf Inn has always been successful, always vibrant and as such surely must be a viable business at the premium end of the spectrum. It is a destination for people seeking fine food and drink locally and regionally, with many people travelling significant distances.

Given its reputation, vibrancy and premium quality, the fact that other pubs exist in Egton and Egton Bridge, is not a reason to grant this planning application. The Authority must support key community services (and in this case, an exceptional one) as stated in the Local Plan.

The Wheatsheaf Inn is a destination of excellence and it should continue as such. This application must be refused.

Mulgrave Estate, Estate, Estate Office, Lythe, Whitby – Object on the grounds that The Wheatsheaf is a much valued and very popular local facility and should not be lost to residential development. The proposal is contrary to national and adopted local planning policy and should be refused.

1. National and Local Planning Policy seeks to protect community facilities from proposals that would result in their loss. This proposal results in the loss of the public house.

2. NYMNPA Local Plan Policy - Strategic Policy L - indicates that development will not be permitted that would result in the loss of a community facility unless that facility is no longer suitable or viable and no longer needed. The Wheatsheaf is popular locally - it has been almost fully booked for the summer. The information supporting the application places great weight on the fact that there are other public houses in the

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vicinity. However, this argument fails to address the viability and need arguments of the Wheatsheaf itself in comparison to the other facilities. Given its reputation it is likely that The Wheatsheaf is the most lucrative of the public houses in the village. The fact that other public houses exist is not a robust reason to allow this facility to be lost.

3. A key objective of the adopted Local Plan supports the provision and retention of key community facilities (includes pubs). This proposal is contrary to that.

4. The information supporting the application does not demonstrate that it is no longer suitable, viable nor needed. There are no details on when the marketing took place, what enquiries came forward and how they were treated. This is not a facility that is no longer viable nor can it be demonstrated that it is no longer needed. The application fails to meet the tests set out by this policy. Whilst there is sympathy that the current owners would like to retire, the proposal is founded more on their desire to remain in their property rather than for the business to be sold on as a going concern.

5. The supporting statement completely fails to address the 'loss of public benefit' that the loss of a public house would cause, which is clearly greater than any benefit to conservation gained through residential conversion.

This proposal fails the 'public benefit' test for the reasons outlined above. It does not constitute sustainable development as required by the NPPF and therefore should be refused.

David & Cathy Ward, Old Maltongate Farm, Maltongate, Thornton Dale – Strongly support. The supporting documentation is very comprehensive, dealing with the planning policy aspects of the proposal with arguments which all seem very compelling – there are, after all, 3 other pubs in this small village.

Our comments are based on the impact the running of the pub has had and is still having on the lives of the applicants and their family. The Pullings have been at the Wheatsheaf for over 20 years and have developed and grown the business with no respite, no holidays. This has been central to their reputation for friendly hospitality and good food – essential for the all-important repeat business which a country pub needs for year-round trade.

Nearing retirement age they put the business on the market in 2015 but has not been successful, despite employing several specialist agents and being prepared to take any realistic offer. There has been no interest in the sale of the business.

Seeking a viable exit the sale of the premises as dwellings is their last hope. Please be sympathetic to this application.

Publicity expiry

Advertisement expiry date 12 August 2021

Front elevation of the Wheatsheaf Inn



Background

The Wheatsheaf Inn is on the east side of the main road in Egton. The buildings are Grade II Listed Buildings. The buildings are finished in stone with pantiled and slate roofs. The existing business includes the Public House and adjacent holiday cottage.

This application is for the conversion and sub-division of the public house to create 2 principal residence dwellings. A listed building application has also been submitted.

A detailed report has been prepared by the applicant's agent assessing the economic, social issues connected with the Wheatsheaf Inn, including previous (but not current marketing) and confidential financial accounts.

The report concludes that:-

“The proposal would facilitate a form of market housing controlled by a mechanism which ensures the properties can be lived in by anyone but only as their main residence. The proposal will not lead to local services and facilities declining. Essentially, the proposal allows a new planning chapter to commence as a means of providing economic stability without harming the Grade II listed building (public house), the Egton Conservation Area, site setting or the compatibility of future users.

The assessment finds that a less than significant degree of harm will be caused to the significance of heritage assets identified in this Statement. Predominantly, those being the Wheatsheaf Inn and Egton Conservation Area.”

The following additional information has also been submitted by the applicant’s agent:-

“The property is and still continues to be marketed through word of mouth within the commercial realm. The property was also marketed by Barry Crux Estate Agents from June 2018 to August 2019 (14 mths). This yielded one viewing with a speculative buyer with no credit references.

It is confirmed that the marketing exercise extended up to between October and Christmas 2020 and throughout the whole of Lockdown 01. After this the premises was no longer marketed as the pub was closed (on account of COVID) and did not bring about any level of interest.

Given the impact of COVID and the fact that there are other public houses in nearby proximity (incl. Glaisdale and Grosmont - amongst 3 others in Egton/Egton Bridge) there will be no loss of community facility and the proposals should be accepted.”

Main Issue

Local Plan

Strategic Policy L - Community Facilities.

This policy 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. 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.

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, 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.

Policy UE3 –Loss of Tourism

This policy seeks to resist development that would lead to the loss of an existing tourism or recreation facility unless it can be demonstrated that the business is no longer viable or that the new use would result in a significant improvement to the immediate environment or highway safety which outweighs the loss of the tourism use.

Material Considerations

Whilst the Wheatsheaf Inn has been previously marketed, it was last marketed through a commercial letting agent in the manner required in Appendix 2 over a year ago, having been removed from the market by Christies Estate Agents on 15th April 2020. It is therefore not currently on the market, although it has been on the market for over two years prior to that.

Whilst it is accepted that the Covid 19 Pandemic has had a significant impact on commercial businesses nationwide, it is not considered that this can be used as evidence to suggest a pub is no longer viable. This would have a catastrophic impact on the future of any pub business within the National Park due to the precedent that would set.

The indication nationally is that the hospitality sector is now overly busy and it is very possible that if the pub were marketed now in this tourist location, that there would be genuine interest in purchasing the business. Consequently, in order to meet policy requirements the Wheatsheaf should be put back on the market properly through a commercial agent.

Whilst there is an alternative facility within the village, this is not considered sufficient justification for the loss of this important and well used community and tourism facility as in many villages, more than one public house co-exist and often serve different markets and social functions.

Furthermore, it is not considered that the financial information that has been submitted (confidentially) demonstrates that the business is no longer viable.

Conclusion

In view of the above considerations, it is considered that insufficient justification or evidence has been put forward to demonstrate that this business is no longer viable and therefore refusal is recommended.

Explanation of how the Authority has worked positively with the applicant/agent

Refusal (No Amendments Requested/Departure from Development Plan)

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and concluded that the scheme represents a form of

development so far removed from the vision of the sustainable development supported in the Development Plan that no changes could be negotiated to render the scheme acceptable and thus no changes were requested.