



The Planning Inspectorate
Tollgate House,

Appeal decision

Houlton Street
Bristol BS2 9DJ
Tel: 0117 987 8927

Hearing held on 15 February 2000
Tel: 01179878927
By NAC Holt TD Barch DipTP DipCons RIBA MRTPI

An Inspector appointed by the Secretary of State for the
Environment, Transport and the Regions

16 MAR 2000

Appeal Ref: T/APP/A471 O/A/99/1031452/P7

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a failure to determine an application for planning permission within the appropriate period.
- The appeal is brought by Mr A Marshall against Calderdale Metropolitan Borough Council.
- The appeal relates to the Mount Skip Inn, Height Road, Wadsworth, Hebden Bridge.
- The application (ref:99/41/00765), is dated 28 May 1999.
- The development proposed is the change of use of a public house to two dwellings, plus excavation of land to provide garden and car-parking.

Decision: The appeal is allowed and planning permission granted subject to conditions set out in the attached schedule.

Procedural Matters

1. Although the drawings show a minor extension to the building it was confirmed that this does not form a part of the application and is shown for illustrative purposes only. At the hearing an application was made on behalf of Mr Marshall for an award of costs against Calderdale Metropolitan Borough Council. This is the subject of a separate decision.

Policy Background

2. The Mount Skip Inn stands alone at an altitude of around 300m (1000 feet) on a hillside overlooking the Calder Valley. It is approximately a mile to the east of Hebden Bridge Town Centre and is within the defined Green Belt and a Special Landscape Area.
3. The Development Plan for the area is the Calderdale Unitary Development Plan (UDP). Policies N105 and N106 are general policies relating to the Green Belt and they reflect national guidance contained in PPG2. Policy N13 indicates that the Council will support the reuse of buildings in areas including the Green Belt, providing amongst other things that the conversion does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it or on the character of the countryside in general. Policy N116 relates to Special Landscape Areas and seeks to conserve and enhance their visual quality. Also of relevance are

economic policies designed to maintain and promote employment opportunities, including the development of tourism (Policy E15 and policies designed to protect community facilities. Policy CF13 indicates that the Council will seek to safeguard social, entertainment or arts infrastructure and that when considering proposals that would involve their loss will seek to ensure that appropriate replacement facilities are provided where possible, subject to the availability of resources and other UDP policies where relevant.

4. In addition to development plan policies I have also had regard to relevant national guidance. In particular I have taken account of the content of Planning Policy Guidance

Note (PPG) 1, General Policy and Principles; PPG2, Green Belts; PPG7 The Countryside—Environmental Quality and Economic and Social Development; and PPG21, Tourism.

The Main Issues

5. From all that I have heard, read and seen, I consider that the main issues in this case are:
 - i. Whether the proposal would be appropriate development within the Green Belt and whether it would cause harm to a Special Landscape Area.
 - ii. Whether having regard to Policy CF13 of the UDP the proposal would represent an unacceptable loss of a community facility.
 - iii. Whether the continued operation of the premises as a public house would be viable.

Inspector's Reasoning

Whether the proposal would represent appropriate development in the Green Belt and the effect on the Special Landscape Area.

6. The Government attach great importance to the protection of Green Belts and there is a general presumption against inappropriate development within them. However, national guidance in PPG2 makes clear that provided the new use would not have a greater impact on the openness of the area, the change of use of buildings is not inappropriate development within Green Belts, and this is reflected in Policy N13 of the IJDP. In this case there would be excavation works associated with parking and garden provision for the houses and although it does not form a part of the application, a small extension is shown at the western end of the building. However, bearing in mind the intention to return the existing car-park to grazing, a matter that could be appropriately covered by condition, I do not consider that the proposal as a whole would adversely affect the openness of the Green Belt and consequently it would not be inappropriate development. In fact, bearing in mind the prominence of the site in distant views and the likely visual impact of the car park when full of vehicles, I consider that the proposal would have beneficial consequences in relation to the openness of the Green Belt.
7. For the same reasons I am also satisfied that the proposal would not have damaging consequences for the character and appearance of the Special Landscape Area. Conditions would however be necessary to enable the Council to exercise control over alterations and extensions. It is also pertinent that in its present neglected state the Mount Skip Inn has a detrimental effect on the character and appearance of the area and this would be addressed if it was refurbished and brought back into use either as dwellings or as a public house. I appreciate that the current run-down appearance of the building results from the closure of the business and works subsequently carried out.
8. On the first issue it is my conclusion that the proposal would be appropriate development within the Green Belt and it would not cause harm to a Special Landscape Area.

Whether the proposal would represent an unacceptable loss of a community facility.

9. The supporting text to Policy CF13 makes clear that public houses are among the social, entertainment and arts facilities that the Council will seek to safeguard and there is no specific mention that the policy will apply only to towns and villages. In order to assess whether a specific proposal would represent an unacceptable loss I consider that an examination has to be made of the circumstances of the case, including the nature of the facility, the community served and the availability of alternative facilities in the area.
10. Until its closure early last year the Mount Skip had served as a hostelry for around two hundred years and I heard of its associations with the Chartist Movement. I would accept that it provided a meeting place both for the scattered pockets of residents in the immediate neighbourhood as well as for the wider community. I also appreciate that the Mount Skip was used by various community groups and I have taken account of the facility that was afforded to visitors to the area, including cyclists and walkers, who were able to enjoy the magnificent views as well as the hospitality of the public house. The strong local feeling in relation to the application is reflected in the 240 objections that were received by the Council and in the further correspondence that has been submitted following the appeal.
11. The Mount Skip is around 180m (600 feet) above Hebden Bridge and the other settlements in the valley bottom that contain public houses. However, around 1/2 mile to the north of the Mount Skip and also elevated above the valley is the Hare and Hounds at Chiserley. Whilst this may not currently open at lunchtime during the week and it does not contain a room for private functions, I saw for myself that it was an attractive and welcoming public house.
12. The increased distance to the Hare and Hounds would put the facility of a public house out of walking distance for some local residents if the Mount Skip was to remain closed. However, I consider that even having regard to the nature of the unlit roads the number of regular users affected would be very small indeed. Also the lack of a separate function room at the Hare and Hounds may make it unsuitable for certain group meetings but in this context it must be borne in mind that the internal arrangement of public houses and the facilities offered change over time. Were the Mount Skip to remain in use as a public house there is no guarantee that private function facilities would be available. It is also pertinent that alternative facilities for meetings where privacy is essential could be found in unlicensed premises.
13. I consider that the Hare and Hounds represents a suitable alternative facility for the immediate community and also for walkers and cyclists using the locality for informal recreation. A further significant component of the customers at the Mount Skip would have travelled by car from a wider area and for these, whilst other public houses may not have the same spectacular a view, I am satisfied that suitable alternatives are available within a few miles.
14. With changing social and economic patterns the closure of public houses in rural areas is a widespread problem and I very much appreciate the Council's concern which is reflected both in the UDP policy and in their policy of providing support through rate relief. In certain circumstances they are fully justified in using the planning system to retain pubs where the loss would have serious consequences for the community. Examples were quoted where conversion has been resisted and the establishments are again operative at the Anchor Inn at Mill Bank and the Shoulder of Mutton at Blackshaw. As both these cases would appear to relate to village pubs I do not consider that a parallel can be drawn with the Mount Skip which is in an isolated rural location and an alternative facility is available. It is my view that conversion of the Mount Skip would not undermine the important objectives of Policy CF13 of the UDP. It is consequently my conclusion that whilst regrettable, the change of use would not represent an unacceptable loss of a community facility. In reaching this conclusion I have taken account of the loss of other facilities in the Wadsworth/Midgely area in recent years.

Whether the continued operation of the premises as a public house would be viable.

15. The appellant claims that the business was not viable and produces figures for the three month

period in which he operated the Mount Skip which show a loss of £900. Evidence is also before me from the licensee of the Hare and Hounds who highlights the difficulty faced by rural pubs in staying afloat and claims that only 5% of trade comes from the village. He also indicates that since the closure of the Mount Skip there has been no marked increase in business. This is generally supported in a letter to the appellant from the Managing Director of Timothy Taylor's Brewery who additionally states that they sold the Mount Skip, which was a low barrellage (declining) pub in a remote country location, because it did not fit in with the long term aims of their tied estate and would probably require a specialist food operator to attract customers from outside the area. Whilst I appreciate that both the brewery as owners and the licensee have an interest in promoting the Hare and Hounds I attach significance to their comments.

16. I would accept that factors such as the location of the Mount Skip, its historical associations, its association with films and the potential for development of local trade give the inn potential commercial advantages that might be exploited by an enterprising proprietor. Although no firm evidence is available in relation to turnover it is claimed by local people that prior to 1998 viability was not an issue and indeed it would appear that at one time a former tenant was interested in purchasing the Mount Skip from the brewery. It is also reported by former staff that in the short period the business was operated by the appellant trade appeared to be flourishing before the sudden closure in early 1999 and I would accept in any event that three months is too short a period in which to reach firm conclusions on the viability of the business. Furthermore it is the case that since closure the premises have not been marketed as a pub.
17. I do not consider that the evidence in relation to viability is conclusive one way or the other. However, bearing in mind the difficulty that any operator would have in rebuilding trade after nearly a year's closure and the investment that would have to be made in the fabric of the building, I have serious doubts as to whether the Mount Skip would be brought back into use if it was put back on the market as a public house at a price reflecting its current condition. I consider there is a real danger that it would remain as a vacant eyesore which would not be in the public interest.

Other Matters

18. In addition to the main issues I have considered the points raised in relation to sustainability, the effect on the local economy and on tourism. Whilst the building is poorly located in relation to shops and other facilities I do not consider that the change of use of the Mount Skip to two dwellings would give rise to a material increase in traffic generation and in this context it cannot be assumed that the majority of the customers who previously used the Mount Skip will drive a greater distance to reach an alternative. There would be a marginally detrimental effect on local employment and also the loss of a facility that contributes to the tourism potential of the area. However, I do not consider these to be reasons that would justify the rejection of the proposal.
19. I have taken account of all the other matters that were raised at the hearing and in the representations including the adequacy of visibility with the proposed vehicular access arrangements, the work that has already been undertaken on the building, and the various other appeal decisions that were referred to both in support of and in opposition to the proposal. Bearing in mind the previous use of the premises I am satisfied that the proposed access arrangements would not constitute an unacceptable highway danger and whilst I have studied the various decisions referred to, it is an important principle of the planning system that each case should be determined on its individual merits. None of these other matters alter my conclusion that, on balance, the appeal should be allowed and planning permission granted for the change of use of the premises.

Conditions

20. Conditions in relation to the return of the car park to grazing and control over alterations and extensions have already been mentioned. With the exception of conditions Nos 3 and 4, which I consider relate to details more appropriately controlled by other legislation, I would agree that matters contained in the Council's suggested conditions require to be covered. In view of the desirability of refurbishing the building and bringing it back into use as soon as possible I consider that the standard time limit should be reduced from five to two years.

Informatives

21. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a

condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement, or approval is refused or granted conditionally, or if the authority fail to give notice of their decision within the prescribed period.

22. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Schedule:

Appeal Ref: T/APP/A4710/A/99/1031452/P7

The appeal is allowed and planning permission is granted for the change of use of a public house to two dwellings, plus excavation of land to provide garden and car-parking at the Mount Skip Inn, Height Road, Wadsworth, Hebden Bridge in accordance with the terms of the application No: 99/41/00765 dated 28 May 1999, and the plans submitted therewith (as amended by the revised Plan A received by the Local Planning Authority on 23 July 1999), subject to the following conditions:

- i. The use hereby permitted shall be commenced within 2 years of the date of this notice.
- ii. Notwithstanding the submitted scheme, development shall not commence until details of the layout and the design of the dwellings, including any alteration to the external appearance of the building have been agreed in writing with the local planning authority.
- iii. The dwellings shall not be occupied until the existing car park has been returned to grazing land in accordance with details that shall first have been agreed in writing with the local planning authority.
- iv. Space for vehicles in accordance with details that shall first have been agreed in writing by the local planning authority shall be provided before the dwellings are occupied (the details shall include surfacing materials and measures to prevent surface water draining onto the highway).
- v. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking or re-enacting that Order) no alterations to the external appearance of the dwellings shall be carried out and no extensions, porches, ancillary buildings, satellite antennae, gates, fences, walls or other means of boundary enclosure shall be erected on the site without the written consent of the local planning authority.
- vi. The fence/wall shown on drawing No PMC/MARSHALL/2/A between the existing access serving dwelling No2 and Height Road shall not exceed 900mm above the level of the access.