

**Parish: Carlton Miniott**  
Ward: Sowerby & Topcliffe  
**1**

Committee Date: 3 March 2016  
Officer dealing: Mrs S Leeming  
Target Date: 18 January 2016

**15/02296/FUL**

**Alterations to and change of use of public house to dwellinghouse  
at The Dog and Gun Inn, Carlton Road, Carlton Miniott North Yorkshire  
for Mr T Brierley**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 This application seeks permission to alter and change the use of The Dog and Gun Inn from a public house to a dwellinghouse. It is a mid-terraced property located on Carlton Road, Carlton Miniott and has not opened as a pub since January 2014. The Dog and Gun Inn is in the central area of the western end of Carlton Miniott. The Dog and Gun Inn is about 1.5km from the Vale of York public house and 1.8km from the Old Red House public house in the eastern part of Carlton Miniott.
- 1.2 The proposal incorporates as amended three car parking spaces and a bin store to the rear of the property and the demolition of the existing conservatory and stores to the rear of the property with the single storey lean to retained and altered and finished in white render.
- 1.3 Internally alterations are proposed to form a 2 storey dwelling with 4 bedrooms.
- 1.4 Additional information has been submitted detailing the efforts made to sell the Public House.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 No recent relevant history

**3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP3 - Community assets  
Development Policies DP5 - Community facilities  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
National Planning Policy Framework

**4.0 CONSULTATIONS**

- 4.1 Parish Council - wish to see refused because:

- As evidenced by the petition and the number of people who attended the Parish Council meeting there is concern about the loss of "another important community asset";
- The NPPF identifies that policies should promote economic growth and strong rural economy and the retention and development of local services and community facilities in villages "namely local shops, meeting places, sports venues, pubs and places of worship"; and

- "It has been suggested that the current owners should actively market the property as a public house for a period of, say, 12 months as the economy has moved on since it was first put up for sale by the previous owners. Then if it proves unsuccessful, apply for a change of use.

4.2 Highway Authority - condition recommended

4.3 Environmental Health Officer - no objection

4.4 Yorkshire Water - response awaited.

4.5 Neighbours/local residents - a petition containing 139 signatures stating that "We, the undersigned wish to register our objections to the application for change of use of the Dog and Gun Public House to a dwelling. We believe this pub is a valuable asset to the community and should be retained as such" has been received.

4.6 In addition 7 local residents have submitted written comments. One of these supports the proposal and states that "During its operation this establishment had great difficulty in surviving financially. Though operating as a public house for many years, its role in the local community is now severely diminished."

4.7 The remaining 6 object to the proposal and their reasons include:

- The Dog & Gun was bought as a pub and no attempt has been made to reopen it. Comments have been made stating that "it has struggled financially; this could be a reflection of how the previous landlord ran it. The question also has to be asked what the applicant intends to do with the remainder of the land to the rear of the property. To deliberately do nothing with the property for some 18 months and allow its condition to deteriorate is not an approach to granting approval for a change of use.
- When open the pub was regularly used and "economically important to the area" and being opposite the church was regularly used as a venue for Christening Parties and Funeral teas as well as a local venue for pool, darts and other pub league games. It also hosted live music and quiz events.
- The large car park to the rear was used by the wider community e.g. for church visitors
- There is now no pub left in this part of the village with the nearest being 25 minutes' walk away with no public transport on evenings. Concerns about carbon footprint having to travel out of village.
- It supported the local economy by providing holiday homes to tourists
- No details of what will happen to the car park area. If this is developed it would result in more vehicles using access which is in poor condition and close to neighbours' dwellings.

## 5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the principle of allowing the change of use of the public house resulting in the loss of the community facility. In addition any impact upon highway safety and the neighbours' amenities must also be considered.

### The principle of the change of use

5.2 LDF Policies CP3 and DP5 refer to community facilities with Policy DP5 stating that proposals that will lead to the loss of community facilities will only be permitted if:

- i there is a demonstrable lack of community need for the facility, and the site or building is not needed for an alternative community use; or
- ii retention of the community facility is clearly demonstrated not to be financially viable when operated either by the current occupier or by any alternative occupier; or
- iii an alternative facility is provided, or facilities are combined with other facilities, which meets identified needs in an appropriately accessible location.

5.3 In this respect additional information has been submitted by Barry Crux Chartered Surveyors on 6 January 2016 detailing the background and the attempts to sell this property on behalf of the previous owner, Enterprise Inns Plc. They were instructed to put the property on the market in October 2013 at which time there was still a tenant operating the pub. The pub closed down in January 2014 and Enterprise Inns instructed Barry Crux to "bring matters to a conclusion, as by then it had been on the market for nine months without having achieved a sale". The submitted report details that by then ten interested parties had viewed the premises and following contact to invite offers eight offers were made, five of which were below its "true value" (no definition is given in the report to the meaning of the term). The report also records that the lowest offer was from the only party who wished to continue its use as a public house. There were also three other offers to use it as a catering business, two for residential purposes and two with no use specified. It is understood the property was sold to the current owner in July 2014. It is also understood that Enterprise Inns did not have any access to trading or financial information but, in the opinion of Barry Crux due to the "chequered trading history of the business", it is suggested that it struggled in terms of viability and "Enterprise Inns decided not to try to re-let the property in the meantime is indicative of a lack of faith in the business being viable".

5.4 Making an assessment therefore against Policy DP5 each of the three criteria is considered in turn. Taking criterion i, the level of public comment suggests that there is community support for the premises. The comments about how the public house was used in conjunction with activities nearby, such as the church on the opposite side of the road, weighs against the claim of the applicant that there is a demonstrable lack of community need for the facility. Importantly there is strong public support for the continued use of the building as a public house with a public meeting held within the Parish and a petition submitted and letters of objection. It is also relevant to consider the distance from the Dog and Gun Inn to other public houses. It is considered that they are sufficiently distant to not provide a convenient location for the community in the western part of Carlton Miniott.

5.5 In terms of criterion ii the property was on the market for 9 months from October 2013 to July 2014. This is considered to be insufficient time to prove that there was little or no interest in its continued use as a public house or some other form of community facility, particularly as offers were received from parties who wished to use it as a public house or a catering establishment. In addition there is no evidence relating to the financial viability of a public house business. The only evidence available to judge viability is the interest of others to operate a business from the premises. The evidence of a marketing period of 9 months ending 19 months ago is considered to fall short of the test of criterion ii that the evidence must be "clearly demonstrated".

5.6 Regarding criterion iii and the availability of alternative facilities, it is noted that there are two other pubs within the Carlton Miniott area (The Vale of York, and just over the railway line in Thirsk Parish, Old Red House) and also The Watermill cafe/bar at The Woodlands. The Vale of York is located at the far eastern end of the eastern section of the village approximately 1.5km away from the application site which lies within the western part of the village. The Watermill is located at the Woodlands Lodges approximately 1.4km to the west. It is estimated that each of these would be over 20 minutes walking time away from this western part of the village and as such whilst

within the Parish of Carlton Miniott neither would be easily accessible as an alternative location for a pub, as identified by the local residents.

#### Highway and amenity considerations

- 5.7 The overall alterations and the amended location of the parking area to the rear are considered acceptable and it is noted that there are no Highway Authority objections. The proposal for residential use is unlikely to result in any significant detrimental impact upon the amenities of the neighbours. It is noted that some local residents have been querying the possible future plans for the large car park area to the rear of the property. The land is shown to be within the ownership of the applicant but is outside of the application site and therefore remains a separate issue.

### **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:

1. The proposed change of use is contrary to Local Development Framework Policies CP3 and DP5 as it has not been shown that there is a lack of community need for the facility. It has not been shown that the retention of the community facility is not financially viable and it has been found that there are no other facilities that would meet the needs of the community in an appropriately accessible location. The proposal would therefore result in the loss of an important community facility.