



## Appeal Decision

Site visit made on 11 August 2020

**by R Walker BA Hons DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 August 2020**

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**Appeal Ref: APP/L3245/W/20/3249243**

**Eagle and Serpent, B4363 from Kinlet Bank End to B4555 Junction Nortons End, Kinlet, Shropshire DY12 3BE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr N Spragg against the decision of Shropshire Council.
  - The application Ref 19/04464/OUT, dated 7 October 2019, was refused by notice dated 7 February 2020.
  - The development proposed is the erection of 3 no two bedroom bungalow (resubmission of 19/01228/OUT).
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description of development and site address differ slightly between the application form and decision notice. I have used the description and site address in the banner heading above from the application form which accurately describes the development proposed and its location.
3. The planning application was made in outline with appearance, landscaping and scale reserved. As such, I have regarded all elements of the drawings submitted as indicative apart from the access and layout details.

### Main Issue

4. The main issue is the effect of the proposal on the provision of community facilities including the viability of the public house.

### Reasons

5. The appeal site forms part of the car park associated with the Eagle and Serpent Public House (PH). The proposal therefore falls to be assessed against, amongst other things, Policy CS8 of the Shropshire Local Development Framework Core Strategy (adopted 2011) (CS). This seeks, amongst other things, to protect and enhance existing facilities, services and amenities that contribute to the quality of life of residents and visitors. Policy CS6 of the CS is also relevant and stipulates, amongst other things, that the loss of existing facilities will be resisted unless provision is made for equivalent or improved provision or it can be clearly demonstrated that the existing facility is not viable over the long term.
6. The PH has a car park to the front and another to the rear. On the opposite side of the road lies the Village Hall, which has a large car park. The Council do

- not dispute the appellant's evidence regarding the parking demand for the PH, which in general, I'm told, can be met by the front car park. However, even considering the accessibility of the PH to residents on foot, there is no dispute that when events are held there would be insufficient parking spaces at the PH if the rear car park was not available.
7. It is put to me that in such circumstances the PH would hire the Village Hall and their facilities, which would include the car park. However, whilst this approach would ensure sufficient parking, it would not offer improved provision at the PH as an existing community facility. Instead, the facilities at the PH site would be eroded through the loss of this parking area.
  8. I have no substantive evidence regarding the frequency of events or how they affect the viability of the PH. Whilst I recognise the intentions of the current owner to hire the Village Hall for events, this would appear to add additional running costs to the business and I have little information as to how this would work in practice. For example, if there is no availability at the Village Hall, this would undermine the PH's ability to host an event on such a day.
  9. The loss of the car parking area would reduce the options to operate the community facility for future owners of the PH. No viability evidence has been provided and there is no cogent evidence before me as to whether the proposed approach would impact the viability of the PH. Moreover, I have no mechanism by which such an arrangement of hosting events at the Village Hall could be controlled, or no mechanism to ensure that the development would benefit the PH as a community facility.
  10. I therefore conclude that the loss of the car parking area would result in the erosion of this existing community facility, with no equivalent or improved provision secured and it has not been demonstrated sufficiently that this loss would not undermine the viability of the PH. As such, the proposal would conflict with the requirements of Policy CS6 and CS8 of the CS. The proposal would also be contrary to the National Planning Policy Framework with regards to retention of community facilities as part of a prosperous rural economy, such as PH's in rural areas.

### **Other Matters**

11. The absence of harm identified by the main parties on other matters weigh neither for nor against the proposal. The proposed housing would provide some social and economic benefits. However, given the scale of the development the benefits and weight I afford to them would be small. I have come to this conclusion having regard to the importance that the government places on boosting the supply of housing, building in sustainable locations and making effective use of land.

### **Conclusion**

12. I have taken account of all the other matters raised including the benefits of the proposal. However, none changes the balance of these findings and the harm I have identified to the provision of community facilities including the viability of the PH. The appeal is therefore dismissed.

*Robert Walker*

INSPECTOR