



Appeal Decision

Site visit made on 23 September 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2024

Appeal Ref: APP/L3245/W/24/3342722

The Swan Inn, Highley Road, Knowle Sands, Bridgnorth WV16 5JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by against the decision of Shropshire Council.
 - The application Ref is 23/03722/FUL.
 - The development proposed is the change of use of a public house to a single dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of a public house to a single dwelling at The Swan Inn, Highley Road, Knowle Sands, Bridgnorth WV16 5JL in accordance with the terms of the application, Ref 23/03722/FUL, and subject to the following condition:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.

Applications for Costs

2. Applications for costs have been made by Dr Kay Gibbons of Kay E Gibbons Holdings Ltd - The Swan Inn (the appellant) against Shropshire Council (the Council), and by the Council against the appellant. These are the subject of separate decisions.

Preliminary Matters

3. Since the Council determined the application, a new version of the National Planning Policy Framework (the Framework) came into effect. However, as the Framework's policy content insofar as it relates to the appeal scheme has not been significantly changed, I am satisfied no party would be prejudiced by determining the appeal accordingly.
4. In the banner head and formal decision above I have used the description of development as stated on the decision notice as this more succinctly reflects the proposed development.
5. A Viability Assessment (VA)¹ has been submitted by the appellant as part of the appeal. This was not before the Council at the time the planning application was determined. However, the Council have not disputed its contents and has confirmed that it provides sufficient evidence to substantiate the claim that the public house is not viable in the long term. I am therefore satisfied that no party will be prejudiced by taking the VA into account as part of my decision.

¹ Prepared by Thomas E. Teague (TET), dated January 2024

6. I have also dealt with another appeal² on this site. That appeal is the subject of a separate decision.

Main Issue

7. The main issue is the effect of the change of use on the quality of life of the local community, with particular regard to the provision of community facilities.

Reasons

8. The appeal site comprises a public house with several ensuite rooms providing bed and breakfast guest accommodation on the first floor and a further private apartment in the roof space. Externally the property has a terraced garden, patio and a covered space attached to the function room. A large area of hardstanding, used for car parking, is located at the rear of the site.
9. The appeal scheme comprises the change of use from a public house to a single dwelling, resulting in the permanent loss of an existing facility. To support such a change, Policy CS6 of the Core Strategy³ requires a clear demonstration that the existing facility is not viable over the long term unless the provision for an equivalent or improved facility can be made elsewhere. No alternative provision is proposed therefore the viability of the facility is a key determinative factor for compliance with Policy CS6.
10. The evidence before me indicates that the use of the building as a public house ceased in the spring of 2022. At the time of my visit, the property was not trading as a public house and given my observations of the numerous parts of the building in need of repair, renovation or replacement, it has not done so for some time. The property is also being marketed for sale.
11. The VA provides an indication of the potential turnover and operating profit the public house, combined with the guest accommodation, could realistically generate. This takes into account numerous site-specific factors including the size and type of accommodation within the property, its location and proximity to similar facilities, customer potential including those living in the nearby caravan parks, and poor accessibility for pedestrians and vehicles. Despite the current state of the licensed trade and hospitality sector, the VA does conclude that the business has the potential to achieve a positive FMOP⁴. However, this is on the proviso that the property is in a tradeable condition.
12. Whilst not verified by a structural report, the cracks in the exterior of the function room wall and various areas of hardstanding show signs of instability in the land. An internal inspection revealed the presence of numerous holes in the ceiling in publicly accessible areas as a result of water damage. Inside the function room, there is a damp and musty atmosphere. Similarly, the areas of warped flooring and the feeling of dampness within some parts of the bar area, particularly those with subterranean walls, indicate where water has infiltrated the building. The VA identifies leaks to several parts of the roof as the cause of this damage and I have no reason to dispute this.

² APP/L3245/W/24/3343807

³ Shropshire Local Development Framework: Adopted Core Strategy (the Core Strategy)

⁴ Fair Maintainable Operating Profit (FMOP)

13. Externally much of the wooden features require attention or replacement and the render is cracked and shows signs of rain damage. The steep driveway access from the B4555 to the elevated parking access has patchy areas of asphalt and the stairway from the car park down to the garden area is hazardous with loose paving slabs and railings. The VA also indicates that there are ongoing issues with the existing plumbing and electrical installations, although I have limited evidence before me to support this. Notwithstanding this, I see no reason to disagree with the author of the VA that the investment required to undertake the necessary works for the property to reach a tradeable condition as a public house would be significant.
14. Taking into account the FMOP calculated, the potential return on the required investment is unlikely to be an attractive proposition for prospective purchasers. Moreover, the level of risk attached to such an investment would be high. Consequently, the VA provides a clear demonstration that the existing facility is not viable over the long term.
15. Whilst suggested by an interested party, I have no reason to conclude that the business has been run into the ground, irrespective of the limited experience of the appellant in running a public house.
16. I conclude that the proposed change of use would not harm the quality of life of the local community, with particular regard to the provision of community facilities. It accords with policies CS5, CS6, CS8 and CS15 of the Core Strategy which seek to protect the existing facilities that contribute to the quality of life of residents and visitors in the countryside. These policies are broadly consistent with the Framework's approach to enabling the retention of local facilities, including public houses, by guarding against their unnecessary loss.

Conditions

17. In the interests of clarity and completeness, I have imposed the standard time limit condition for the commencement of development.
18. I have not imposed the standard plan condition, despite being recommended by the Council, as the development comprises a change of use only.

Conclusion

19. For the reasons given above, the appeal is allowed.

Juliet Rogers

INSPECTOR