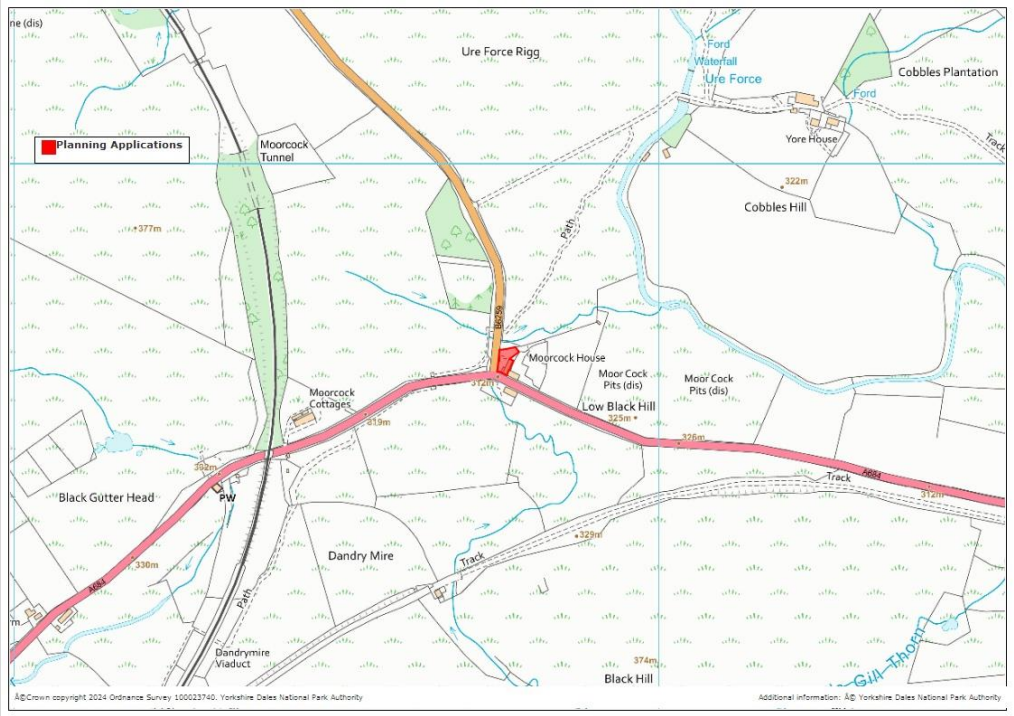
Yorkshire Dales National Park Authority

Committee: Planning
Date: 23 April 2024
Applicant: Mrs J Cox
Parish: Hawes
Officer: Emma Heron
Application No: R/56/154F
Site Address: The Moorcock Inn, Garsdale, LA10 5PU
Proposal: Full planning permission for change of use of public house to 1no. dwelling and 2no. B&B letting rooms, and change of use of Manager's accommodation to licensed tearoom and 1no. self-contained holiday let including alterations to windows and doors (retrospective)

Purpose Of Report

1. That Members REFUSE planning permission for the above development in accordance with the recommendations below, and authorise enforcement action.



Reason For Committee Consideration

2. This application is reported to Committee for the following reason: in the opinion of the Head of Development Management it is in the best interests of the National Park Authority that the application is considered by the Committee.

Application Site

3. The application site is the Moorcock Inn. This is a substantial traditional public house (sui generis use) fronting the A684, with letting bedrooms above, a rear kitchen extension, and a modest,

modern single-storey extension that forms the manager's accommodation. The site also benefits from a large rear car park and is located on the junction between Garsdale Head and Mallerstang, and in the vicinity of Garsdale Station and Dandry Mire Viaduct.

Proposal

4. The application is for change of use of public house to 1no. dwelling, and 2no. B&B letting rooms, and change of use of Manager's accommodation to licensed tearoom and 1no. self-contained holiday let. Also, alterations to windows and doors.

5. The application is retrospective, and comprises:

   Within the main public house building:

   - The removal of the public bar and commercial fixtures and fitting on the ground floor, and their replacement with the applicant's living room and dining room, with four first floor letting rooms subsumed into the residential use, as standard house bedrooms.
   - Subdivision of the eastern wing of the public house to form 2no.B&B letting rooms with their own internal staircase.

   Within the manager's accommodation:

   - Subdivision to form a self-contained holiday cottage out of the 2no. bedrooms.
   - Change of use of the lounge/office extension to a tearoom
   - Alterations to windows and doors to facilitate the aforementioned change of use.
   - Erection of fenced enclosures.

Background

6. The rear extension to the Inn, was granted planning permission as a modest two bedroom manager's accommodation (ref: R/56/154E). This was tied via legal agreement (dated 11th October 2013), to a person wholly or mainly employed at the Moorcock Inn. The justification for the accommodation was to free up space within the main building for two additional letting rooms in order to increase the revenue for the business.

7. It is understood from the applicant that they bought the Inn in 2016. They lived nearby and used the manager's living room as an office. At a later date and without planning permission, they converted the manager's bedrooms into a self-contained holiday unit. In 2023, due to personal circumstances, Covid, and the selling of the applicant's home, the business model was changed, which brought about the rest of the development as detailed in paragraph 5 above.

Relevant Planning History

8. The following applications are relevant:

R/56/154B: full planning permission for erection of extension to existing kitchen
Approved – Conditional 12/03/2008

R/56/154C: full planning permission for conversion of adjoining barn to form ancillary living accommodation and bed and breakfast accommodation and erection of kitchen extension
Approved - Conditional 09/04/2009

R/56/154D: outline planning permission (some matters reserved) for erection of one rural worker's dwelling
Withdrawn/Final Disposal 16/10/2013

R/56/154E: full planning permission for erection of rear extension to provide living accommodation for the manager
Approved - Section 106 18/10/2013

R/56/51L: full planning permission for conversion of barn to craft workshop and dwelling
Refused 25/10/1995

YD1/56/51: application for full planning permission for alterations and extensions
Approved - Conditional 20/11/1975

YD1/56/51A: alterations to existing public house, as amended by plans received in the National park office
Approved - Conditional 14/03/1977

YD1/56/51B: erection of function room toilets and kitchen
Approved - Conditional 19/05/1978

YD1/56/51C: full planning permission for alterations to and a change of use existing storage and garage building to form additional dormitory accommodation to be used in connection with the moorcock inn together with associated toilets and car parking accommodation a
Approved - Conditional 28/04/1978

Consultations

9. The comments of statutory and non-statutory consultees are summarized below:

Hawes & High Abbotside PC – This application was discussed at a recent meeting of Hawes and High Abbotside Parish Council. There has been a lot in the media about the closure of this historic inn and whilst the PC acknowledge that this is sad it was felt that it was unrealistic in the current economic climate to expect this to operate as an Inn at this time. Rather than see the building fall into possible disrepair and to not being used it was resolve to support this application for change of use.

Area Ranger (Lower Wensleydale) – No comments received

Upper Dales division – No comments received

Chief Technical Officer CTO – No comments received

Fire Officer – No comments received

Head of Visitor Services – No comments received

Highway Authority -There are no local highway authority objections to the proposed development.

Environmental Health – Low impact in relation to nuisance to neighbouring properties. Conditions are recommended:

- requiring details of refuse storage and collection arrangements,
- restriction on B&B bedrooms to holiday accommodation only (as they do not comply with miniumum standards under the Housing Act,
- the proprietor living accommodation should be condtion as such, to protect over any loss of amenity for this accommodation due to the proximity of the commercial activities,

Informatives are also recommended in respect of Private Water Supply, advice on foul water treatment and advice on food business registration.

Public Responses

Public responses received at the time of writing: **29**

10. The application was advertised by way of site notice on 15th March, and neighbours notified. 27 individual letters of objection have been received, and two letters of support. The points of objection are as follows:
    - Pub is frequently closed, so this has contributed significantly to loss of trade
    - Potential for significant passing trade:
        - Proximity to Pennine Way, local footpaths and if the old railway cycle track comes into being
        - Garsdale Station saw nearly 15000 entry/exits in the period Mar 22 – April 23
    - Significant loss of amenity to the local community, as the amenities offered to the community have diminished over the last few years.
    - Concern about the alterations to the bar area
    - A full viability test has not been undertaken
    - The pub has previously been the hub of the community
    - The business has survived many economic challenges previously with the local community rallying to the cause
    - Previous owners successfully attracted custom, and Tan Hill, Fat Lamb, Station Inn are all good working examples
    - Unsightly appearance (rubbish outside, signage removed)
    - Visual impact of the fencing
    - An irreversible change of use would not be in line with vision to protect the history and culture of the Yorkshire Dales/historic links with Garsdale head and railway
    - If business is struggling then the existing manager's accommodation should be used as a home, and the Inn for a commercial business as intended, so the Inn can open again in the future if economic trends allow.
    - Tearoom viability is questioned
    - Tearoom too small for community gatherings
    - Impact on other local businesses
    - Cultural vandalism
    - Others should be given the opportunity to make the business successful
    - Inaccurate plans
    - Other unauthorised work, not mentioned in the application

The comments of support are:

- Tourist trade has kept the pub open, but not viable to retain staff. The accommodation and tearoom help keep the passing/weekend trade.
- Business has not been used enough. The proposal is a compromise.

Assessment
Key Issues:

- Principle of development
- Visual impact
- Sustainability
- Parish Council comments
- Equality Act

Principle Of Development

11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on Local Planning Authorities to determine planning applications in accordance with the development plan unless there are material reasons to do otherwise. The development plan for this area is the adopted Yorkshire Dales National Park Local Plan (the development plan). The most relevant policies are:
    SP2: National Park purposes
    BE7: Safeguarding employment uses
    C9: Existing community facilities

12. Policy SP2 sets out the statutory purposes of the National Park, of: conserving and enhancing natural beauty, wildlife and cultural heritage; and promoting opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. Paragraph 182 of the National Planning Policy Framework (2023) makes clear that great weight should be given to conserving and enhancing the scenic and natural beauty in National Parks, whilst the Levelling Up and Regeneration Act 2023 introduces a revised duty on relevant authorities to “seek to further the specified purposes of National Parks”. This replaces the existing duty to “have regard to” the specified purposes.

13. Paragraph 97 of the NPPF (2023) seeks to provide the social, recreational and cultural facilities and services the community needs, through decisions that ensure that established shops, facilities and services, are able to develop and modernise, and are retained for the benefit of the community. Also, to plan positively for the provision and use of community facilities amongst other things, to enhance the sustainability of communities and residential environments. To support prosperous rural economies paragraph 88 seeks the retention and development of accessible local services, including public houses.

14. Policy C9 aims to maintain a range of facilities that are vital to the the fabric of remote rural communities. Included as important amenities, are public houses. The policy recognises the importance of these facilities in aiding social cohesion and reinforcing local identity. Importantly it seeks to guard against short-termism, in that the case for losing a facility must not revolve around the needs of the current owner / tenant, their chosen business model, or a narrow consideration of operational models.

15. To achieve the above, the policy does not permit the loss of a community facility unless it can be demonstrated that:
    a) the current use is no longer needed or a suitably located replacement facility of at least equivalent standard has been secured; and
    b) the land or building could not fulfil, or is not needed for, an alternative community use.

    Applications would expect to be accompanied by independent assessments of the facility in both its current and alternative roles, to assess the potential for continued alternative uses. Short term marketing assessments will not be sufficient in their own right; however, testing should also be done in a proportionate manner.

16. The application does not include any independent market assessment and does not address criterion a) or b) of policy C9. Work to change the Inn to a house has been carried out without any attempt to sell the business or premises on the open market. So, whilst the current difficult economic climate is recognised, there is no submitted evidence to suggest that the current use is no longer needed, or that an alternative use could not be found for the Inn building. There is also no other equivalent business in the vicinity that serves the same purpose.

17. Whilst the proposal incorporates a small tearoom within the manager's accommodation, this is not of at least equivalent standard given its small-size, poor access (at the rear, with only stepped access to a toilet), and lack of presence at the rear of the site.

18. Also relevant is policy BE7. This aims to avoid the permanent loss of viable business uses to non-business uses where this would have a detrimental impact on employment for the local economy. For minor employment or business uses below five jobs the Authority will not intervene in the principle of loss of employment, unless the use of the site is considered to be particularly difficult to replace or offers valuable business diversity and there is a likelihood of the use being required again in the future.

19. It is considered that whilst the Inn does not offer significant employment benefits at the current time, it meets the 'value' tests within policy BE7. It is the only public house serving Garsdale. This a community that is spread out along the Dale with few community facilities, and the next closest public houses are located some distance away in Hawes, Sedbergh and Dentdale. The Inn is located 1.5 kilometres from Garsdale Railway Station with the Pennine Bridleway providing an attractive and safe access between the two, avoiding the need to walk along the A684. Also nearby is a network of other PROWs, including the Pennine Journey and extensive access land. Locationally, whilst it is remote, Garsdale Head has some similarities with other locations with remote but successful Inns, such as at Ribblehead and Tan Hill.

20. In addition to the above, should the former railway line between Hawes and Garsdale Station become available as an accessible trail, there is significant potential for Garsdale Head to become a sustainable visitor destination. This in itself would be a potential catalyst for economic benefits and renewed vitality for existing businesses in the location, including the Moorcock Inn.

21. A tearoom and letting rooms may have the potential to be a suitable alternative mixed use for the public house that has the potential to comply with policy. However, this should be within the existing commercial floorspace of the premises, rather than within the ancillary extension at the rear of the building. This is in order to avoid the permanent loss of the commercial and cultural importance of the main building, and because the proposed commercial element is considered to be far less than equivalent value than the main building.

22. For these reasons, the proposal is considered to be harmful and contrary to policy, having regard to policies C9 and BE7 of the Local Plan, and relevant paragraphs of the NPPF.

Visual Impact

23. The external alterations include the removal of signage to the main Inn building, various fenestration changes to the Manager's accommodation, and fenced enclosures forming a private patio for the self-contained holiday let, and a division between the tearoom entrance and the main building that also serves as a semi-enclosed external seating area.

24. The fenestration changes are modest and have no wider visual impact. The fences, whilst painted dark green, are domestic in appearance, poorly arranged within the site and detract from the character of the building complex. As the rear of the building complex is visible in public vantage points at close range, they are visually harmful and do not accord with policy SP4 of the Local Plan.

25. The pub signage is an important element of the character of the Inn, and signposts customers to its function. As the proposal to change the use to residential is not recommended for approval, the signage removal is also considered to be unacceptable in accordance with policy SP4.

Parish Council Comments

26. The Parish Council supports the application on the basis that "it is unrealistic in the current economic climate to expect the business to operate as an Inn at this time. Rather than see the building fall into possible disrepair and to not being used it was resolved to support this application for change of use".

27. Whilst the issue relating to the economic climate is potentially significant, local plan policies do take account of this, but also require robust evidence to demonstrate a lack of viability or suitable alternative options that do not result in permanent closure.

Equality Act

28. The Authority has a duty under s.149 of the Equality Act 2010 to have regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant characteristic and persons who do not share it. The relevant characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

29. It is considered that there are no overt reasons why this proposal would affect anyone with the protected characteristics such that the application should be permitted or refused on equality grounds.

Conclusion

30. Whilst current economic issues are understood and taken account of, the proposal is not supported by any evidence to demonstrate that the change of use of the Inn to a dwelling is the only available option. Whilst a tearoom, letting rooms and holiday accommodation may be an alternative business model, the proposal is not of equivalent standard to the existing. The fencing and signage removal is also visually harmful. Overall, the proposal is considered to be harmful to

community vitality, the rural economy, and harmful to the cultural significance of the building, contrary to policies SP2, SP4 C9, BE7 of the Yorkshire Dales Local Plan (2015-2030).

Recommendation

31. It is recommended that permission be REFUSED based on the following:

- In the opinion of the Local Planning Authority the Inn is considered to be a valuable community facility with potential for a sustainable business to continue in the future. There have been no independent assessments carried out to demonstrate that there is no option other than to permanently close it and change its use to a dwelling. Furthermore, the proposed tearoom and letting room use is not considered to be of equivalent benefit to the community or the local economy. As such the proposal is considered to be harmful to the social vitality of the community and the rural economy. The proposal does not accord with policies SP2, SP4, C9 and BE7 of the Yorkshire Dales Local Plan (2015-2030), paragraphs 88 and 97 of the National Planning Policy Framework, National Park purposes and the Statutory Duty to foster the economic and social well-being of communities within the National Park.

- In the opinion of the Local Planning Authority the manager's accommodation is required in order to support the viability of the employment use of the premises by allowing more rooms within the main building to be used as letting rooms directly linked to the public house business. The use of the space as a tearoom and short-stay holiday let results in the loss of accommodation for a manager and without evidence to the contrary, is considered to be harmful to the viability of the main business and the local economy. This is contrary to policy BE7 of the Yorkshire Dales Local Plan (2015-2030) and paragraph 88 of the National Planning Policy Framework.

- In the opinion of the Local Planning Authority the self-contained holiday let amounts to a new dwelling in a remote rural location and it has not been demonstrated that it is required for a rural worker. Furthermore, it does not amount to the subdivision of an existing residential building. It therefore amounts to unsustainable development, contrary to policies SP3 and C3 of the Yorkshire Dales Local Plan (2015-2030), and paragraph 84 of the National Planning Policy Framework.

- In the opinion of the Local Planning Authority the fenced enclosures introduce poorly designed, domestic visual clutter, and the removal of the signage detracts from the character and cultural significance of the building as a public house, contrary to policy SP4 of the Yorkshire Dales Local Plan (2015-2030).

32. Given the harm outlined in the refusal reasons, it is advised that it is expedient to take enforcement action, and that the following action is agreed by the Committee:

a) That the Authority's solicitor be authorised to serve an enforcement notice to secure:

I. Cessation of the use of the Manager's accommodation as a tearoom and holiday let
II. Cessation of use of the main Moorcock Inn as a dwellinghouse
III. Removal of tearoom and holiday let fixtures and fittings, including from external land, fenced enclosures and window and door alterations

IV. Remove all fixtures and fittings associated with use as a dwelling house from the bar and public areas in the main Moorcock Inn, and also removal of partition walls and new staircase
V. Restore the bar and public areas to their original use
VI. Restore the manager's accommodation to its original use
VII. Remove external signage advertising tearoom use from the land and adjacent land and reinstate Moorcock Inn signage.
VIII. A period of compliance of 6 months be specified.

b) In the event if non-compliance with the requirements of the enforcement notice the Authority's solicitor may commence prosecution proceedings.

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H3 Arial 16 point, bold
H4 Arial 14 point, bold
H5 Arial 12 point, bold
H6 Arial 12 point, italic
H7 Arial 12 point

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1. Avoid underlining, italics and capital letters – use bold for emphasis
2. Avoid unnecessary capitalisation of initial letters – this is for proper nouns only
3. Avoid abbreviations where possible - and always provide the expanded form when first used
4. Write short, simple sentences; 60-70 characters (15-20 words) is optimal
5. Be concise; avoid using long paragraphs and add more paragraph breaks.