

# COMMITTEE REPORT

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## APPLICATION DETAILS

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**APPLICATION No:** DM/16/03932/FPA  
**FULL APPLICATION DESCRIPTION:** Change of use to single dwelling  
**NAME OF APPLICANT:** Mr Terence Race  
  
**ADDRESS:** George And Dragon Inn  
Boldron  
Barnard Castle  
County Durham  
DL12 9RF  
**ELECTORAL DIVISION:** Barnard Castle West  
**CASE OFFICER:** Tim Burnham Senior Planning Officer 03000 263963  
[tim.burnham@durham.gov.uk](mailto:tim.burnham@durham.gov.uk)

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## DESCRIPTION OF THE SITE AND PROPOSALS

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1. The George and Dragon Public house sits within the Village of Boldron and is the only pub in the village. Boldron is a small village which sits to the south west of Barnard Castle (approximately 2 miles). The business consists of a pub with manager's accommodation and two bedroom letting cottage.
2. The application proposes the change of use of the pub to a residential property.
3. The application is referred to Planning Committee by Cllr Bell due to local concern over the loss of the only pub in the village.

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## PLANNING HISTORY

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4. There is no recent relevant planning history at the site

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## PLANNING POLICY

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### NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

6. *NPPF Part 3 - Supporting a prosperous rural economy.* Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
7. *NPPF Part 4 - Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
8. *NPPF Part 8 - Promoting healthy communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning.

*The above represents a summary of those policies considered most relevant in the Development Plan*

#### **LOCAL PLAN POLICY:**

9. The following saved policies of the Teesdale Local Plan are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
10. *Policy GD1: General Development Criteria:* All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
11. *Policy H10: Conversions Of Buildings To Residential Use* The restoration or conversion of buildings to Residential use will be permitted within the development limits as shown on the proposals inset maps. Provided that the criteria listed in policy GD1 can be satisfactorily met and the conversion would accord with policy ECON. 3.
12. *Policy ECON3: Conversion of Buildings and Land Currently in Employment Use* Within the development limits of settlements shown on inset proposal maps the change of use or conversion of land or buildings from an employment generating use will not be permitted unless it meets at least one of the criteria, which among other things require there is no demand for the employment use.
13. *Policy C2: Public House Change of use* Proposals for change of use of public houses, where it is the last remaining public house in a settlement, will not be permitted except where it can be demonstrated that the use is no longer economically viable or required by the local community.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/article/3271/Teesdale-Local-Plan>*

## **RELEVANT EMERGING POLICY:**

### **The County Durham Plan**

14. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

15. *Highway Authority*: No objection. A wall is proposed to the western side of the curtilage and no part of the new wall should be closer than 2.3m to the C164 carriageway edge.
16. *Northumbrian Water*: No objection.

### **PUBLIC RESPONSES:**

17. The application has been publicised by way of site notice and neighbour notification letters. Letters of objection have been received from 10 addresses along with a letter of objection from CAMRA Darlington Branch. The main points of objection are summarised below;
  - It is suggested that the proposed change of use is not in keeping with planning policy
  - Concern is expressed over marketing process - asking price is too high to attract enquiries - channels through which property has been advertised are not wide enough
  - Pub provides a focal and meeting point for the village playing host to sports teams and its loss would have a detrimental impact on the local community
  - Concern over internal works that have taken place
  - The community has interest in maintaining the pub as a going concern
18. Letters of support for the application have been received from two addresses. Points of support are summarised below;

- Business has been offered to community with little interest and has been for sale for a significant period of time
- Low patronage and high overheads have resulted in an unviable business
- Last four attempts to run the pub have failed
- Village hall can be used as alternative focal point for village

*The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/>*

#### **APPLICANTS STATEMENT:**

19. Our planning application for change of use is based solely on the fact that despite our best efforts, over the 10 years we have owned the George and Dragon Inn, we have to accept it is not financially viable. This has been a very difficult decision for us to make and we would not have pursued this if we thought there was a viable solution to make the business a success. We are facing a precarious position as we are not able to maintain the level of monthly funding required from our personal finance to maintain the establishment on a non-profit basis. We both work independently to the business as there is no income derived from it and it has continued to make a significant loss every year.
20. We have tried and tested several strategies to maximise any business potential and maintain the presence of a pub in Boldron. This has included leasing the property out to a professional chef. Unfortunately, her business was declared insolvent in December 2013. We continued to be committed to the re-opening the pub. This required substantial investment and effort as the property had significant damage, no furniture and the license had lapsed. We re-opened in April 2014.
21. It is sad but true that the footfall of Boldron is limited and is a convenience to the handful of residents that visit the premises on a regular basis. Most inhabitants, and wider community, never use the pub. The pub has been up for sale, valued on a bricks and mortar basis, with full knowledge of the residents of Boldron for over 18 months. Despite a reduction in the asking price no interest has been forthcoming.
22. It is with great regret and sadness that we can confirm to the committee that our final day of trade was Monday 6<sup>th</sup> February 2017.
23. We thank the committee for their consideration of our application. If the decision is made in our favour this will have an enormous impact on our lives as it will give us the opportunity to develop what is an attractive and much loved property. We would leave our current home so that we could commit to this venture.

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#### **PLANNING CONSIDERATIONS AND ASSESSMENT**

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24. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies and all other material planning considerations, including representations received, it is considered that the main issue for consideration is whether the loss of the pub is warranted, having regard to its viability.

25. The site lies within the development limits of Boldron where Teesdale Local Plan Policy H10 permits conversion of buildings to residential use provided the design and amenity criteria of Policy GD1 are met and the proposal accords with Policy ECON3 in respect of loss of any employment use on viability grounds. More specifically, Policy C2 seeks to prevent the change of use of a public house where it is the last remaining public house in a settlement, except where it is demonstrated that the use is not viable and appropriate marketing has been carried out. Policy C2 is therefore most relevant to this proposal and is consistent with NPPF paragraphs 28 and 70(b), which promote retention of valued local community facilities such as public houses.
26. Boldron is a small village of approximately 100 residents. The George and Dragon Inn and the village hall are the only community facilities in the village. The concerns expressed about loss of the only pub are therefore understandable.
27. The applicants purchased the pub in 2006 and ran it themselves offering drink sales, evening meals, Sunday lunch and letting rooms. They held quiz nights, live music and attempted annual events such as a hog roast, Halloween party, Mother's day lunch and Christmas lunch to attract custom and boost sales. They also tried to join the local pool and darts league. But after 2 years of low patronage, coinciding with the effects of the smoking ban in 2007, opening was reduced to 5-6 days, and in 2009 evening meals were stopped. The account information shows that by 2009 the applicants had invested over £70,000 additional capital into the business to keep it going, but the business had experienced significant losses in each year of trading.
28. As a result of failing to turn a profit in any year for nearly 4 years, the applicant's attempted to sell the business for £295,000 in 2009/10. They could not sell it, but managed to lease it to a chef with an option to purchase at a reduced price of £270,000 at the end of 3 years. However, in 2013 the applicants found that the leasee had vacated the premises unexpectedly and left it without fixtures and fittings, including the catering kitchen, and then filed for bankruptcy indicating continued failure of the business, despite having more of a food focus.
29. The premises was not operational or sellable in the condition it was left, and interest to run it on a co-operative basis didn't materialise. It therefore required further investment to re-open in April 2014, with local volunteers helping to run it on a limited basis under a temporary license. A mobile restaurant was allowed to use the car park and customers were encouraged to bring their takeaway meals into the premises to eat with cutlery provided, but interest was short lived. The premises supported two quoits teams in the summer and a domino team in the winter, but only on one evening every fortnight for home games. Its role as a community facility was therefore very limited and not well supported.
30. The account information shows further significant losses since re-opening, which led to the business being advertised for sale again from June 2015. It remains on the market with a current list price of £235,000, which is a reduced price. It is noted that some local residents have questioned whether the premises has been properly marketed, but the selling agents are national specialists in selling pubs and leisure property, as were the previous agents in 2009. It has now been listed with them for a year and a half in which time they have mailed 7175 people and had 1248 direct enquires without any offers being made. In total it has been marketed for more than 2 years. Evidence suggests some local residents knew the pub was for sale and its plight has received local press coverage. The method and length of marketing is therefore considered to be appropriate.

31. Members of the local community have made an application to list the pub as an Asset of Community Value (ACV), but this is a process which runs separately to planning legislation. Listing as an ACV would provide 6 months to allow a group to put together a bid to purchase the premises, but the owner would be under no obligation to accept the bid so it would not guarantee the retention of the pub. In any case, the pub is not currently listed as an ACV and there is no evidence that there is a group able to bid for and continue to run the pub on a viable basis. Accordingly, this issue should be afforded little weight in the decision making process. The village still has its own recently refurbished village hall for use by village societies and for events. It could host the sort of events that have taken place at the George and Dragon, which in recent years have been negligible, amounting only to hosting quoits and dominoes one night a fortnight and it is noted this was hosted elsewhere when the pub was closed previously.
32. On the basis of all the above, it is evident that there has been significant personal investment into the business and genuine attempts to make it successful. However, pub trade has suffered a collapse generally in recent years, partly because of the smoking ban, but also because supermarket and shop sales now account for almost half of the beer sold in the UK. In this case the village has a population of just over 100 and notwithstanding the pub has existed for a considerable period of time, the difficulty for such a small village to sustain a pub in the current trade environment is demonstrated by the pub's failure to make a profit in any year the applicants have operated it. Even when the George and Dragon was operated for 3 years by a chef with a food-led focus, which is where small rural pubs tend to be more successful now, it ended with the leasee going into bankruptcy and the loss of essential fixtures and fittings putting the applicants to further major expense. Despite this, the applicants still re-opened, but they incurred further losses and have now closed the pub. There are other pub and eating establishments nearby in Barnard Castle, as well as The Unicorn in Bowes and Morritt Arms in Greta Bridge, which are larger and more accessible to the kind of passing trade that the George and Dragon would need to survive. This is likely to have contributed to the failed attempts to make the pub viable and would continue to do so because the village cannot sustain it by itself.
33. Thus, whilst the proposal would result in the loss of the only public house in the village it is considered that the loss of this public house would be warranted by considerations of viability with the evidence suggesting it has been appropriately marketed and has no realistic prospect of operating viably.
34. The premises is entirely suitable for re-use as a dwelling as it has in-curtilage parking, a garden and is located among other dwellings. It lies in the centre of the village and the facilities and services in Barnard Castle are just over 2 miles away so the location is not isolated having regards to NPPF paragraph 55. It is proposed to erect a wall to demark the curtilage adjacent to the highway, the precise details of which can be conditioned for further approval. There would be no harm to the character and appearance of the area or amenity of neighbouring properties.
35. Accordingly there is no conflict with Teesdale Local Plan Policies C2, H10, ECON3 and GD1.

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## CONCLUSION

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36. Despite significant investment and genuine attempts to make the George and Dragon a success over a period of 10 years, the village has not been able to sustain its use as a pub and its use as a community facility has been very limited. It

is therefore considered that the loss of this public house would be warranted by considerations of viability with the evidence suggesting it has been appropriately marketed and has no realistic prospect of operating viably.

37. A dwelling is an acceptable re-use of the premises and can be achieved without causing harm to the character and appearance of the area.
38. Accordingly there is no conflict with Teesdale Local Plan Policies C2, H10, ECON3 and GD1.

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## **RECOMMENDATION**

That the application be **APPROVED** subject to the following conditions;

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1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents.

Proposed Elevation Plan

Proposed Floor Plan received 08<sup>th</sup> December 2016

*Reason: To define the consent and ensure that a satisfactory form of development is obtained.*

3. No wall, fence, gate or other means of enclosure shall be erected along the roadside boundary without the details having first been submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be retained as such.

Reason: In the interests of visual amenity and highway safety and to comply with Policy GD1 of the Teesdale District Local Plan

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

In arriving at the decision to recommend approval of the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development.

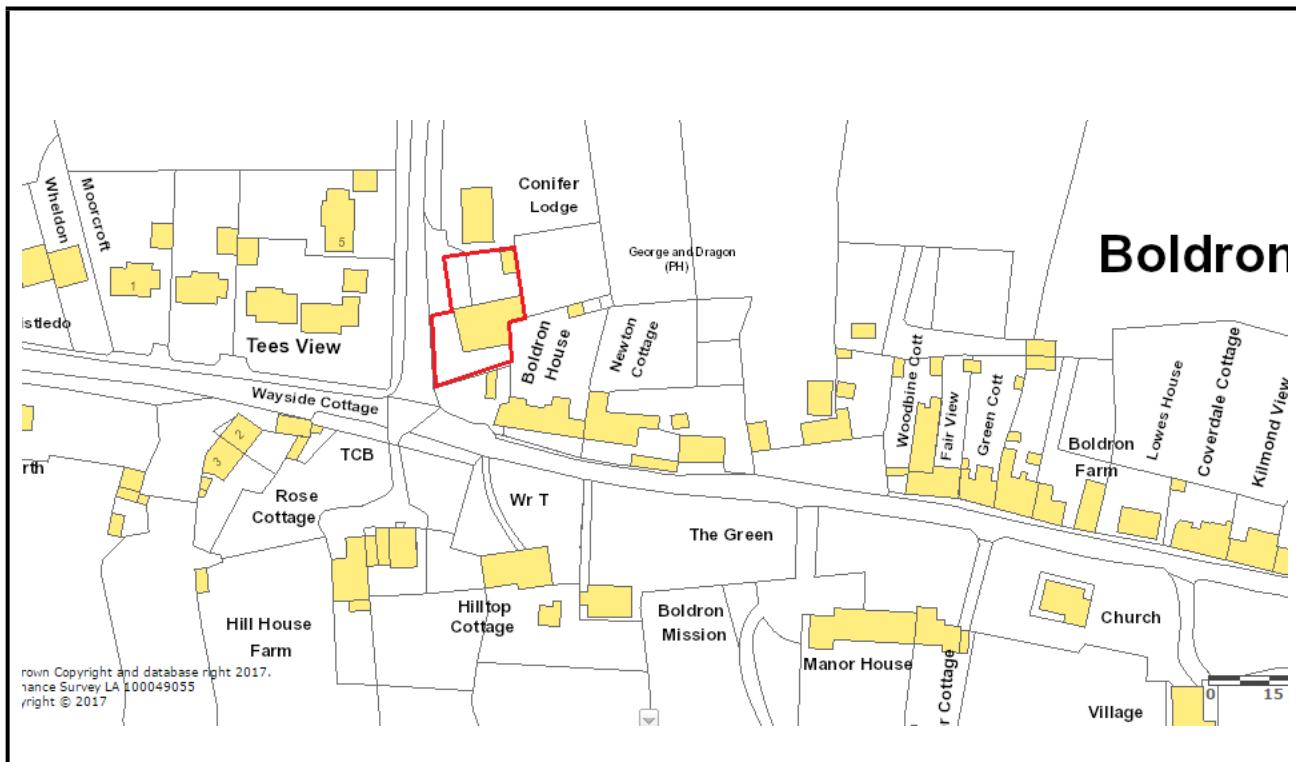
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## **BACKGROUND PAPERS**

Submitted application form, plans supporting documents  
The National Planning Policy Framework (2012)  
National Planning Practice Guidance Notes

Teesdale Local Plan  
The County Durham Plan (Submission Draft)  
All consultation responses received



 <p><b>Planning Services</b></p>	Change of use to dwelling	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>		16 <sup>th</sup> February 2017