

Application Statement, Context & Information

Following previous application and appeal attempts, it is the understanding of the Applicants that the grounds of refusal have now been addressed and the application is being resubmitted, with the belief that there are no longer grounds to refuse this application. Please find the applicants are re-submitting the application within the required year to continue the process, as per the guidelines.

It is recognised that the proposed scheme has always been understood to be both viable and suitable for the site, and it is noted that there has not been a single Local Authority objection to the design or suitability of the scheme, with the application and appeal refused solely on the grounds of financial and business viability items. Following advice from the Local Authority, it is therefore emphasised that the original drawings and documents submitted within the first application, have been re-submitted like for like, to ensure the proposals remain as per the previous application.

It is the belief of the Applicants that the item for refusal have now been addressed, and despite being given the maximum available time possible, the local parish unable to provide a reasonable financial offer and also yet to provide any form of business plan or proposal on which the appeal was dismissed, that there are no longer grounds to refuse this application, and therefore are re-submitting the application for approval.

Please find this submission as a re-submission of the original application, following the initial refusal decision with the original planning application and the subsequent appeal. Please find following a chronological order of key items with coinciding information, leading to this re-application.

Prior to Application Process

1. The applicants, Mr & Mrs Simpson, purchased The Haymaker public house in 2007
2. Unfortunately, however, increasing government regulations, most notably the smoking ban, was not well accepted by the local customers, and business fell by over 30%. The recession led to a further 20% reduction. The public house was no longer a feasible business, and the decision was made to attempt to sell.
3. Between 2008 and 2012 the applicants attempted to sell the pub as a going concern, but the complete lack of interest from the marketplace and the views of independent financial consultants revealed what was obvious, a public house was no longer viable on this site.
 - I. The Haymaker was marketed by Sidney Phillips
 - II. It was marketed for sale as The Haymaker Pub, valued at £375.000.
 - III. It had three viewings and no offers.
4. Following the further decline of custom during a time of 50% national closures of pubs, and no interest in the sale, In 2012, the applicants transformed the Haymaker public house, into the Haymaker Steakhouse and Bar in an attempt to revive the business.
5. Initially this was successful, with customers visiting from Doncaster, Lincoln and Hull. However, competition within those cities soon developed and business reduced again. Only 5% of business derived from the local population, the restaurant could not be sustained.
6. The property and business went back on the market in 2014. With advice form estate agents, both for sale and as lease. Again, with no interest and no offers.

7. In 2016, it was marketed as before, jointly by Sidney Phillips and Guy Simmond which are firms specialising in licensed premises
 - I. Valued and advertised for [REDACTED].
 - II. It had one viewing and no offers.
8. The property was also marketed in 2019 as a 10 year leasehold, for [REDACTED] by Sidney Phillips.
 - I. This produced only two viewings and no offers.
9. After 9 years on the market, and exhausting all options, and depleting personal funds, Mr & Mrs Simpson explored the idea of instead developing the land.

Pre-Application Advice

10. The applicants submitted for Pre-Application Advice, Early 2019
 - I. Reference: **PRE/2019/75**
11. The application was successful with positive and useful advice from the planning officer during pre-application discussions, and with no prohibitive comments from the relevant consultants, progress was made to instead reuse the land for residential purposes.
 - I. Planning officer quote - "The principle of developing the site for residential purposes is acceptable, as the site is within the settlement boundary. In my opinion, the layout, scale and design of the proposal is also acceptable"
 - II. No objection form Highway Development team
 - III. No objection form Drainage team
 - IV. No objection form Flood Risk team

Planning Application

12. On the back of these positive pre-application discussions, the applicants approached an architect firm 'AR2 Architects', who develop proposals, of which several schemes were produced and shortlisted with assistance from local estate agencies based on local requirements.
13. The chosen scheme was developed and the application was submitted to the local authority.
 - I. Application Reference: **PA/2019/1984**
 - II. Submitted **25/11/2019**
14. During this application process, a change in Local Authority staffing saw a change in Case Office for this application three times, causing delay and confusion. However positive comments were still received, and the application proceeded.
15. During this delay, a small group of Parish Councilors who objected to the proposals sought to further delay and hinder the application by successfully attempting to list the property as a site of 'Significant public interest'. During the committee meeting it was stated to the committee that neither the initial public house nor restaurant have or could survive, because of the lack of significant public interest from the local villagers.
16. Despite months of previous positive discussions with the local authority, the application decision stated refusal.
 - I. Decision Date: **14/05/2020**

Appeal

17. Following the refusal of the application, the applicant chose to go to appeal. A 'planning appeal statement' was produced by 'Benson Planning Studio' planning consultant, which was submitted with the appeal form along with a number of bank account statements stating the lack of viability of the business.
18. The scheme was submitted on appeal for review by The Planning Inspectorate.
 - I. Appeal Reference: **APP/Y2003/W/20/3255113**
 - II. Site Visit: 28/10/2020
19. Appeal was dismissed.
 - I. Decision date: 16/11/2020
20. Key items from the Appeal Decision
 - I. Item 20: "...clear that the former steak house restaurant was not a financially viable business operation."
 - II. Item 21: "the demolition and the redevelopment of a former public house is a near irreversible act which should only be implemented where there is clear and convincing evidence that all reasonable opportunities to re-open have been properly considered."
 - III. Item 24: "...if the residents of Bonby do wish to see the building re-invigorated for use as a public house or some other multiuse community facility it is now incumbent upon them to come forward with a viable, sustainable proposal. The level of opposition to the current proposal is noted but a facility such as a public house in a village with a sparsely populated hinterland can only stay open in the long term if it is used regularly by local people."
 - IV. Item 25: "... The Appellant has failed to provide satisfactory evidence to demonstrate that the building known as The Haymaker is no longer needed as a community facility."
"...seek to resist the loss of community facilities unless it is not economically viable, there is no longer a need for the building in any form of community use and / or there is no acceptable alternative to meeting that need."
 - V. Item 27: "The site would be suitable for housing. Furthermore, if a productive use is not found for the building reasonably soon then its fabric will further deteriorate to the detriment of the street scene and the wider village."

Re-Application

Following the above information, it is the understanding of the Applicant that the proposed scheme would be both viable and suitable for the site, there has not been a single official objection to the design of the scheme, and has it been refused solely on the grounds of the key items included within section 20 above.

It is believed the applicants have gone above and beyond the required level of application to address these key items, which have been included in this re-application package, and the applicants have consciously and intentionally given the Local Parish the maximum available time, within the available year, to submit alternatives to ensure a fair discussion.

Please find below a list of some of key items from the Appeal, and a brief statement with information associated documents addressing each.

- Item 21 – The applicants have again placed the property on sale. The lack of interest and offers from the public and businesses clearly indicate that the site is not suitable for a viable business. This is shown in both the reduced estimated value, and lack of interest. Supporting documents include but are not limited to;
 - Estate Agent Marketing Report
 - Original Appeal Statement
 - Originally submitted accounts information (available on request by Local Authority)

- Item 24 – The applicants have twice now provided a clear opportunity for the Local Parish & Residents to come forward with a viable, sustainable proposal for the site, however they have been unable to do so. Not only has the offer been unacceptably low, but no business plan or proposed uses have been submitted to support these offers. Supporting documents include but are not limited to;
 - Lack of Local Parish proposed business plan
 - Unacceptably low offer on behalf of the local parish
 - Latest Estate Agent Marketing Report
 - Original Appeal Statement

- Item 25 – The applicants have previously provided information a number of alternative local options for public use space, such as the village hall next door. In addition, the applicants have again placed the property on sale. The lack of interest and offers from the public and businesses clearly indicate that the site is not suitable for a viable business and that a facility could not be sustained. Supporting documents include but are not limited to;
 - Latest Estate Agent Marketing Report
 - Original Appeal Statement

It is the believe of the applicants that with the above items addressed, the local community unable to provide a reasonable financial offer and yet to provide a business plan, and the distinct lack of interest in sale of the property, that there can no longer grounds to refuse this application.