

# **GROUNDS FOR APPEAL**

**AGAINST**

**EAST LINDSEY DISTRICT COUNCIL**

**PLANNING COMMITTEE'S DECISION**

**IN RESPECT OF**

**OUTLINE PLANNING APPLICATION**

**FOR**

**RESIDENTIAL DEVELOPMENT**

**AT**

**THE RED LION PUBLIC HOUSE**

**MAIN ROAD, BAUMBER**

**FOR**

**Mr R. Peall**

**JOB NO. A2691**

**April 2016**



## **1.0 THE PROPOSAL**

1.1 The Red Lion is a vacant public house located on the west side of the A158 Main Road, to the north side of the village of Baumber. The site lies approximately 4 kilometres north of Horncastle town centre and 27 kilometres east of Lincoln.

Baumber village is defined by Inset Map 86 of the ELDC Local Plan where that document describes Baumber as a local service centre in the Horncastle area, suggesting that the Plan focuses activity around the core of the defined village. (ie as defined by the Inset map)

1.2 The site includes a vacant, extended public house of C18/C19 origin, which stands in the north corner of the site approximately 10metres behind the edge of the A158 carriageway, with a number of outhouses located to the rear. The site has an area of around 0.25 hectares, mainly laid down for car parking, with a 40 metre wide site frontage facing the A158, which has minimal fencing. Immediately to the north-west of the site, and within 10 metres of the public house, is Bullwinkle's garage workshops and to the south-east is a Listed thatched cottage and washroom. Opposite the public house, i.e. on the north-east side of the A158, is the old Victorian primary school and school house and to the south-west of the site there are open cultivated fields and views towards Bardney and Lincoln.

1.3 The whole site has gradually fallen out of use over the last quarter of a century or so and the public house is currently vacant and obviously in need of considerable repair and modernisation.

## **2.0 PLANNING HISTORY**

2.1 The site was purchase by Mr R. Peall from Eden Marketing in 2011 as "development land", at which time the property had effectively been "abandoned" as a public house, having stood empty for several years with only intermittent use.

2.2 In October 2012, Mr Peall sought out the services of Neil Dowlman Architecture to assist in procuring Planning Permission for proposed development on the site. Discussions with the Client occurred a short while afterwards and preliminary sketches were then prepared such that, by December 2012, a Design Access Statement and Historic Impact Statement were forwarded to the Client, together with a survey of the site and drawings of the proposed scheme. Some minor alterations to the scheme were made, and by 25th January 2013, Pre-Application Advice was sought from East Lindsey District Council. Drawings numbered A2691/01 and 02SK were submitted, together with the application form, a location plan, the Design Access Statement and the client's fee cheque.

2.3 Receipt of the Pre-Application Advice request was acknowledged on 4<sup>th</sup> April 2013 with an indication that ELDC hoped to respond by 22<sup>nd</sup> April 2013.

2.4 On 19<sup>th</sup> April 2013, ELDC indicated that they would not be able to respond by the date indicated, *but* they did not intimate any later date to which they might then be working.

2.5 On 23<sup>rd</sup> May 2013 a response to the Pre-Application request was sent out by ELDC.

This communication set out a number of concerns:-

i) Being what the Local Authority determined to be a “key community facility”, development on the site would fall under the constraints of Policy CF2, the contents of this policy being reinforced by paragraphs 28 and 70 of the NPPF. The impact of these two documents was that an indication was required to show that the public house was no longer a viable business and that there was no demand for the building as a public house. The letter went on to advise that the LPA would require full marketing details and that if the property had not been on the market during the previous 12 months, a new marketing exercise would be required.

ii) The Pre-Application response letter went on to advise that although the County Council Highways Officer had not been contacted at that time, the Planning Officer was of the mind that the proposal ought to replicate a narrow country lane. It also referred to policy A4 (amenities of nearby residents) and questioned the possible issue of noise and contamination from the adjacent motor vehicle workshop. The letter also noted that Baumber is characterised by frontage development, concluding that housing shown on the application drawings facing the main road was acceptable in principle, but that a fifth house, to the rear, was out of character. (n.b. the initial scheme submitted to ELDC for Pre-Application Advice was for *five* houses, all confined within the village boundary as defined by Inset Map No. 86 of the ELDC Local Plan). The principle of “livesey” style dwellings was accepted for the development on the road frontage, but a caveat was raised regarding the proximity of the nearby Listed thatched cottage, wash house and pump.

2.6 A revised scheme was formulated and submitted to ELDC on 19<sup>th</sup> December 2013, and ELDC’s response to the scheme, dated 10<sup>th</sup> February 2014 identified the basic arrangements of the houses to the Main Road frontage to be more acceptable, however because the house to the rear was shown as more than 40 metres from the highway, a larger turning area was suggested. The response went on to discuss the proposed removal of the existing public house which it concluded, after consultation with the Parish Council, was considered to be a *Community Asset*. It was suggested that the application would need to demonstrate that the asset was no longer required by the community. The Client was accordingly advised of the need for a 6 month marketing exercise in order to demonstrate that there was no longer any need for this facility in Baumber.

2.7 14/02/2014, When advised of the Local Authority’s comments, The Client advised that, to his knowledge, the public house had been out of use for years and that it had

reached the stage of needing a considerable sum of money in order to refurbish it. Predicted costs for refurbishment alone were in the order of £100K +.

2.8 By 26 March 2015 a revised scheme had been prepared and submitted to ELDC as an Outline Planning Application with Dwng. Nos. A2691/01 and 2B, a Design Access Statement and a 3D Booklet. This application was for *seven* dwellings.

2.9 Receipt of the application was acknowledged on 01/04/2015 under reference no. S/011/00598/15 and a decision date of 22/05/2015 was indicated.

2.10 An e-mail in response to the application, dated 08/04/2015, referred to the need to establish whether there was, or was not, a need for the public house in the village and whether the public house didn't, in fact, serve a wider community. A response to this e-mail referred to the arguments put forward in the Design Access Statement, where it was clearly identified that the applicant had acquired the site from the previous owner as "development" land, after it had been on the market unsuccessfully as an ongoing, but vacant, business for 5 months. The Design Access Statement went on to indicate the significant market pressures which had essentially made the business untenable, there not being enough business in the village or the vicinity, with other hostels being available to the villagers, in the general area. Even before the Red Lion had been first marketed several years previously, landlords had attempted to make the business viable i.e. since ca.1990, but each had failed because of a shortage in business leading to financial pressures and a lack of funds for any inward investment which was required to make the property an acceptable, comfortable venue. It was assessed that any money made by the public house, if it were ever to be renovated, would not be recoverable in any economic period of time and the public house was, as a result, considered unviable.

2.11 ELDC responded on 09/04/2015, advising that they still, nevertheless, required evidence of a 6 month marketing exercise, evidence of the dates when the various landlords that failed to make the public house viable were in control, and evidence of their accounts.

2.12 A reply sent to ELDC on 09/04/2015 pointed out that whilst some of the required information could possibly be provided, it was unlikely that the new owners of the site would be able to provide copies of previous owners/landlords business accounts, as suggested, and ELDC were asked if a structural engineers' report would suffice as evidence of the amount of funding that might be required to make the existing building useable.

2.13 05/05/2015. An e-mail from ELDC indicated the need for a noise assessment and given the time required to obtain such an assessment and to consider it, ELDC then asked, on 07/05/2015, that the decision date be postponed until 30/06/2015.

2.14 27/05/2015 An e-mail from ELDC was received asking for confirmation of acceptance of the new decision date.

2.15 29/06/2015 An e-mail from ELDC sought additional information regarding the “historic” village and the archaeological importance of the site, and went on to suggest the determination date should now be postponed to 13/08/2015.

2.16 A further e-mail from ELDC, dated 12/08/2015, then looked to postpone the determination date to 02/10/2015.

2.17 19/08/2015, An e-mail is sent to ELDC enclosing an archaeological report and asks if the noise report previously supplied was acceptable.

2.18 29/09/2015, An e-mail from ELDC encloses comments from LCC Historic Environment Officer which appeared to require an evaluation of any archaeology discovered and an assessment of the impact of the new development on it. A second e-mail from ELDC on the same day, seeks an indication of whether the Client now required a determination on the date last requested, or whether they wanted to accept a further postponement to 09/10/2015 in order for further information to be provided.

2.19 01/10/2015, ELDC were advised that an extension of time to 30/10/2015 would be acceptable.

### **3.0 THE PLANNING REFUSAL**

3.1 19<sup>th</sup> February 2016. ELDC issued a Refusal of Outline Planning Permission notice which stated:-

1/ *The Local Planning Authority consider that it has not been adequately demonstrated that the business is not necessary or viable in the long term or that accessible replacement facility is provided elsewhere in the vicinity and the application is therefore contrary to Policy CF2 of the East Lindsey Local Plan Alteration 1999 and paragraphs 28 and 70 of the National Planning Policy Framework which seek to promote the retention and development of local services and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day to day needs.*

### **4.0 POLICIES QUOTED IN THE REFUSAL – THE REASONS FOR REFUSAL**

4.1 East Lindsey District Council’s Policy CF2 states:-

*Development which involves the loss of a community or social facility considered important to the community will not be permitted unless:-*

- a) *the continued use of the facility has been shown not to be necessary in the long term; or*
- b) *in the case of a business, it has been shown not to be viable in the long term and that it cannot be sold as a “going concern”; or*

c) *an accessible, replacement facility is provided elsewhere in the vicinity.*

4.2 Also quoted are national Planning Policy Framework paragraphs 28 and 70.

Paragraph 28 states:-

*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. To promote a strong rural economy, local and neighbourhood plans should:*

- *Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;*
- *Promote the development and diversification of agricultural and other land based rural businesses;*
- *Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and*
- *Promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.*

Paragraph 70 states:-

*To deliver the social, recreational and cultural facilities and service the community needs, planning policies and decisions should:*

- *plan positively for the provision and use of shared space, community facilities (such as shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs;*
- *ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*
- *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.*

## 5.0 DISCUSSION-GROUNDS FOR APPEAL

5.1 The crux of this application, and therefore this appeal, is dependent upon the consideration of what is or is not an *essential* community or social facility. Clearly the East Lindsey guide information given in relation to policies CF1 & 2 suggests that a public house should be so considered, if it provides an important focal point for the community. However, it is noted at this point, that The Red Lion was a facility that had been *unavailable* to the community for a considerable part of the preceding 25 years. Our conclusion from this is that a facility cannot be considered *essential* to the community if, in essence, it had not been available to, or accessible by the community.

5.1 The Red Lion Public House at Baumber, has, like many other hostels, been subjected, over a considerable period of time, to increasing financial pressures which, linked to changes in peoples' social and drinking habits, have ultimately led to a shortage of custom and an over provision of public houses within the area.

This problem has particularly been obvious with remote country or village hostels, where the customer base has traditionally been provided by those engaged in agriculture, but the problem has also been noted in larger towns and cities. To this effect the Red Lion at Baumber is not the only rural/village hotel in this area of Lincolnshire that has been affected by these pressures.

(n.b. Figures quoted within the licenced victuallers' trade seem to suggest a reduction in the number of public houses available to the public as being in excess of 10% nationally over the last 5 years or so).

5.2 Historically, public houses, as we know them, largely originated in the Victorian era and they thrived up to the 2<sup>nd</sup> World War, although there is significant evidence available of much earlier hostels, and they thrived up to the 2<sup>nd</sup> World War. The needs of local artisans and labourers to meet and socialise away from their workplace and home initially led to private houses being identified where an owner would make his own ale for sale to his customers and The Red Lion quite likely, resulted from such a conversion.

In many Victorian industrial towns, such facilities were purpose built by the local factory owner and were located within the streets of accommodation provided by them for their workers, but in the case of The Red Lion at Baumber, the public house evolved in a more remote location, serving the village and/or a recognisable area of the countryside.

In all respects, however, public houses developed as a social facility in times when there were no televisions or other forms of social entertainment that could be enjoyed at home. In the fullness of time, the general population became more mobile and it became customary for them, to drive to larger, more remote public houses where a sizeable car park might be provided and where it was possibly quieter and more family orientated than in their local public house....until that is, the "drink driving" legislation was introduced, effectively curtailing this kind of activity.

Since that time, alcoholic drink has become more widely and more cheaply available from supermarkets and other outlets resulting in more drinking at home. The combined effect of all of these changes has ultimately resulted in public houses having much smaller customer bases, meaning less drink being consumed there, whilst the businesses themselves still faced the ever increasing running and servicing costs, often being “hamstrung” by the costs of considerable areas of attached land and the maintenance of buildings, which all surcharged the limited income available.

It is perhaps inevitable, therefore, that, as society moved further into the C21, more and more public houses have had to close their doors.

5.3 The Red Lion notionally only serves a community of 168 people (figure from the 2001 census) and because of the social demographics, not only the public house, but the local primary school has had to close. Most of the residents in Baumber, if they do not work on local farms, are either retired or commute to Horncastle or Lincoln/Wragby.

5.4 It is noteworthy that a similar sized establishments elsewhere would expect to serve a considerably larger population than The Red Lion has and as a consequence of this and the changes in peoples drinking habits, the small number of potential customers within this community (i.e. Baumber) have not been able to provide adequate custom to keep The Red Lion open.

In a similar timescale, The Midge public house, on the A158 at Hatton, some 6 kilometres towards Lincoln, has also closed, whilst The Coach and Horses at Hemingby, arguably in a more remote location only 1.5 kilometres to the east, remains open. The George at Langworth remains open, whilst the New Station Hotel at Sudbrooke was closed by November 2015 and the Marmion Hotel at Haltham was up for sale in 2011. Elsewhere in the district, (e.g. Orby and Ulceby) there is evidence of public houses that have been the subject of a Planning Change of Use resulting in simple conversion or replacement, brought about by a shortage of customers for the facility, and resulting in the ultimate removal of that facility from the community. Each public house closed has been the victim of the national downturn in business within the licenced trade, inevitably leading to the removal of that facility from the community in which it stands.

5.5 There is no identifiable documentation that clearly indicates exactly when The Red Lion had changed hands in the past, but it is clear that, during the last quarter of a century, (i.e. since 1990), it has not been able to stay open for any extended period of time. A number of landlords have tried, at different times, to make the business viable but have failed, and the difficulty in securing a stable, sustainable, source of income has led the owners to initially offer the premises up as a “going” concern in 2010, but to then offer it as “development” land; at which time the current owner, making the application ref. S/011/00598/15, purchased the site.

There had been, up to this time, no sustainable business coming from the village or from visiting trade and as a result the previous owners were unable to invest cash in the repairing



or improvement of the premises and at the time that the premises were sold to the current owner, it was noted that the premises required a considerable sum of money investing in them in order to repair, stabilise, improve and refit them.

5.6 As a result of the current condition of the buildings and the antecedent history of the public house, the current application to demolish the public house and replace it with private dwelling houses was formulated, it being clear from research undertaken by the new owners that there was no longer any demand for a public house facility in Baumber. A Structural Engineer has carried out a visual inspection of the building and has concluded that, whilst the first floor accommodation is "useable", the ground floor of the premises is actually uninhabitable and requires a full programme of modernisation. An element of distortion was noted in the structure to the rear where a number of much earlier alterations had been carried out and a number of repointed external cracks were noted in the external walls. The rendering of the property was also noted as needing some attention, but fundamentally it appears that the structure is starting to fail because of a lack of investment and regular maintenance.

However, from the statements above, it is clear that the business has not, over the last 25 years, been able to secure an income stream that allowed it to attend to the maintenance of the fabric, whilst paying for staff and buying drinks from the brewers, even less has the business been able to make any provision for any improvements to the property or the facilities. Maintenance has, therefore, been neglected and whilst the public house has been judged to have generally withstood the rigours of time a substantial amount of money would now be required to rectify the base maintenance/structural needs before making the improvements and modifications necessary to resurrect the public house as a going concern.

5.7 This public house has clearly not been open for business for any significant part of the 25 years or so since 1990, and customers have inevitably gone to other hostels in the area when they have wanted a drink. This fact alone demonstrate that the facility is not *vital* or *essential* to the community, regardless of the opinion expressed by the Parish Council.

5.8 Policy CF2 states that development involving the "loss of a community or social facility considered *important* to the community" will be resisted and in their explanatory text attached to the listed policies, paragraph 11.4 lists *public houses* within this category. But, in essence, and using the words of CF2, a public house is actually not essential for the "day to day" needs of a community, and usually only ever provides a leisure facility for part of the community in which it stands. Notably, this public house appears to have never regularly been used for anything other than a drinking and eating, and clearly both of these facilities have now been identified elsewhere in the district.

5.9 The important requirements of the NPPF state:-the local and neighbourhood plans should promote the retention of facilities such as public houses (para 28) and states that planning policies should plan positively for the provision of shared use of facilities such as

public houses. (para.70). The NPPF does not describe public houses as essential nor does it state what should happen to these facilities if they should prove unviable and, if there are no other proposals, what else might share or use the accommodation.

5.10 It is clear that this particular public house has been underused, or significantly unavailable to the public of Baumber, for a considerable part of the last quarter century, and, as a result, it has fallen into a significant state of disrepair and shabbiness, as funds have not been created for inward investment. The property was vacant when it was placed in the hands of the latest selling agent and it had been similarly vacant for some considerable time before. There are clearly now no purchasers in the market for taking on the premises and resurrecting the original use.

The area of attached land would seem to suggest that it might be ideal for a larger “gastropub” type operation, which might then attract custom from further afield, but plainly, it has been identified that the location is wrong and that there is not the demand for such a facility in this location.

The cost of repairs and modernisation/refurbishment are thought to be excessive and whilst the policies call for a 6 month marketing exercise, no recognition has been given to the fact that the premises have been *largely vacant for the last ten years* (n.b... and therefore unavailable to the community!) *and for a considerable periods prior to this, and that during this period there have been several attempts to sell the premises as a going concern, all of which have failed.*

5.11 At the point that this particular Planning Application was made, there was actually no essential amenity to lose in the community, as the public house was closed and vacant and had been so for some time.

During a period of substantially 25 years, there does not appear to have been any significant efforts from within the community to seek re-establishment of the business or seek an alternate use for the building, but plainly a property of this size, with the area of land attached, is too large to be supported as a public house by a small community of 168 souls alone, and a considerable number of reliable, permanent customers, from outside the parish, would be necessary to ensure the public house’s long term viability.

The question therefore has to be asked whether in fact this public house is “essential” for this community and, therefore, whether a 6 month marketing exercise would prove anything more than what is already known.

It is our conclusion that the facility is clearly *not essential* for the community, it is equally *not viable* as a public house and the community do have access to alternative facilities nearby. The community have, in fact, managed without the public house for protracted periods of time throughout the last 25 years and therefore the community will not be losing an essential amenity as has been inferred by the Planning Refusal or the Parish Council.

5.11 Whilst it is correct that the last marketing exercise did not run for the stipulated period, one was in place for 5 months before the current owner purchased it and a further exercise, with negative results, had been carried out a couple of years previously.

5.12 Evidence from the Planning Registers does not seem to support the Local Authority's policy, which indicates the need of a sales exercise, particularly in the current economic climate, and there is evidence of other public houses in remote locations of the District being subjected to removal or change of use where no marketing exercise has actually been evidenced or proved. Examples in other small villages where it could be argued that the public house was essential are the Three Tuns at Ingoldmells where the house in the was marketed after Planning Permission was granted, The Jolly Sailor on St John's Street in Wainfleet which stands to the east of the village centre and on which Planning refusal was given on a matter of car parking, no mention being made of a need for a proven marketing exercise.

Incidentally, further afield, and within a neighbouring authority, The Beridge Arms at Sutterton, near Boston was the subject of an application for a Change of Use for demolition and housing when it, in fact, was the last of 5 original Victorian public houses in the village. The local authority in this case did not seek marketing evidence to establish whether the public house was necessary for the community, or even whether it was viable and even the loss of a small shop in the same application was not questioned. However it has to be noted that Boston Borough Council policies are not so prescriptive under these circumstances, even though the public houses in their area are subjected to the same pressures!

All of these examples prove that public houses everywhere are closing because of financial and social pressures, and that in very few examples, if any, can the tag "essential" be attached to them.

5.13 The Red Lion at Baumber has failed both financially and socially and no amount of 6 month marketing exercises are going to change the simple fact that there actually isn't the demand for a public house in this location, or even an alternative community use of the building. This particular hostel hasn't just become vacant, but has struggled financially over the last 25 years.

5.14 The assertions made by the Local Planning Authority, therefore, have to be challenged. The policies referred to do not reflect or support the needs of the changing nature of the licencing trade, which itself is subject to cultural and legislative changes which are outside of, and go beyond Planning Policies alone.

Reference is, therefore, made here to paragraphs 22, 51, 160 and 161 of the NPPF.

Paragraph 22 states:- *Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable*

*prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.*

Paragraph 51 indicates:- *Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.*

Paragraph 160 states that:- *Local planning authorities should have a clear understanding of business needs within the economic markets operating, in and across their area....*

Paragraph 161 goes on to state:- *Local planning authorities should use this evidence base to assess:*

- i) the needs for land or floorspace for economic development....including the needs for all foreseeable types of economic activity....*
- ii) the existing and future supply of land.....*
- iii) the role of town centres....*
- iv) the capacity of existing centres to accommodate new development., and*
- v) locations of deprivation which may benefit from planned remedial action.*

5.14 From these sections of the NPPF, it is concluded that Local Authority Planning Departments should avoid protecting the original use of a site for overly long periods of time, if there is no reasonable prospect of the original use being reinstated. The current owners of this site were not involved in its previous commercial (public house) activities, but, the historic evidence attached to the site, indicates that there has not been a vibrant commercial enterprise there for some considerable time. Coupled with this fact, it is clear that the Local Planning Authority should be aware of the financial pressures facing breweries and public houses (paragraphs 160/161,) and possibly should have an awareness of failing social facilities that could be important to communities throughout their area. The Red Lion at Baumber has struggled to remain in business for some considerable time, and whilst it is acknowledged that the local authority cannot purchase all community and commercial property that becomes vacant, the inference of paragraph 51 seems to suggest that the Local Planning Authority should approve applications for change to residential use of any Class B premises where there is no identified need for those premises and there is an identified need for housing in the district.

From the 2009 update of East Lindsey District Council's Housing Strategy document, the local authority still has a need to provide more houses. This same document indicates that

East Lindsey has the 5<sup>th</sup> highest demand for housing in the East Midlands, with Horncastle having the 3rd highest demand in East Lindsey.

5.15 It is concluded from this that there is a demand for housing within the general Horncastle area, but the need for a public house in Baumber is not evident, neither is it clear whether a shared community facility may be possible in this location, there already being two church based community facilities in the village. The proposal here, therefore, should not rely upon the provisions of CF2 alone and should realistically consider what might happen to the site if permission is not given.

The following factors should be recognised:-

- i) The original facility is clearly not essential in this location. The community have managed without the facility for a considerable part of the last 25 years and, importantly, was without it for the years up to the last marketing exercise being carried out. The facility, therefore, cannot be deemed to have been *essential*, and therefore, by definition, not *vital* to the community,
- ii) The building's history over the last 25 years shows that these premises are not currently financially viable as a public house in this location. It is clear that there has not been adequate custom for the Red Lion to be able to identify a regular income big enough to maintain and improve the premises whilst at the same time actually providing the normal service of a public house.
- iii) As a result of ii) above, there has been no significant inward investment in the premises over the last 25 years and essential maintenance has been given little attention, resulting in the current shabby state of the building which now requires a significant amount of structural repair work doing before any modifications and improvements can be contemplated.
- iv) There has been effectively zero interest in the public house as a going concern and even where landlords have attempted to resurrect the public house's good fortunes, they have failed, and
- v) Alternative facilities for drinking are clearly available to the population of Baumber either in Horncastle or in one of the other small villages nearby.

5.15 Finally, we refer back to the reasoning of the Local Authority's Planning Refusal, where it states, using the content of paragraphs 28 and 70 of NPPF, that LAPs should guard against the loss of facilities where the loss would reduce *the community's ability to meet its day to day needs*. It is evident that The Red Lion Public House, although it was clearly part of Baumber life in the C19 and early C20, no longer fulfils such a role, and it cannot be concluded that the removal of the empty public house building would reduce the community's ability to furnish its "*day to day*" needs. An empty, vacant public house cannot

provide any day to day needs and whatever those “needs” were or are, they have not been available to the community for some considerable time and in any case, no “essential” facilities or provisions were available there.

This public house, although described as “public” was, like most other public houses, only ever a venue for use by *part* of the community, and that part of the community has now sought out alternative venues to provide the service they require.