

Town and Country Planning Act 1990

Appeal by Mr R Peall
against the decision of
East Lindsey District Council's

**Refusal of the Outline Erection of
No 7 Dwellings
& demolition existing public house**

On Land at

**Red Lion Inn
Lincoln Road Baumber
Horncastle, Lincolnshire LN9 5ND**

Submission

of

Baumber Parish Council

11th November 2016

PINS ref: APP/ D2510/W/16/3151819

LPA ref: S/011/00598/15

CONTACT:

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1. INTRODUCTION

Baumber Parish Council represents the local community of approximately 223 persons as recorded in the 2011 census.

Baumber is a village and civil parish in the East Lindsey district of Lincolnshire, England. It is situated approximately 4 miles (6 km) north-west from the historical market town of Horncastle, and is located at junction of the B1225 Caistor High Road and the main A158, which marks its strategic historical importance as a thoroughfare from the City of Lincoln to the coast and the Caistor High Road links to the north of Lincolnshire, for access to the Lincolnshire Wolds and the towns of Caistor, Grimsby, Cleethorpes and Market Rasen.

The village Parish boundary extends North towards the popular villages of Minting, Edlington to the south, Wispington to the west and Hemingby on the east, which again acts as a western gateway to the Lincolnshire Wolds AONB, and on to Louth which hosts the magnificent Church of St James with its tallest spire of any Parish Church in the country.

Baumber is also notable for its stunning views towards Lincoln Cathedral which can be obtained from various vantage points including from the car park of the Red Lion Inn.

Baumber's Grade 1 Listed Parish Church is dedicated to Saint Swithin. Built in stone, it was encased in brick in 1758, and restored in 1892. The lower part of the tower and two doorways are Norman. A lead coffin found in the churchyard is included in a list of Roman coffins found in or near Horncastle. Under the chancel of the church is the Newcastle family vault, which was their place of burial until 1820, prior to the disposal of their Baumber estates. There are church inscriptions to Francis, the grandson of Henry Clinton, Earl of Lincoln, who died in 1681, and Priscilla his wife who died in 1679. An incised stone slab to John Ealand, 1863 or 1873, and his two wives lies against the west wall of the north aisle.

Birth Baptism records date back to 1691- 1897 & Marriage records date back to 1691-1837.

The manor of Baumber was held by Thomas Dighton, whose daughter and heiress married Edward Clinton, 2nd son of the first earl of Lincoln. On failure of an heir in the elder branch, the earldom devolved to the son of this Edward, whose successors obtained the Dukedom of Newcastle. The estate continued in the possession of the family until it was sold to Thomas Livesey of Blackburn, Lancashire in 1810.

The manor and estate was centred on Stourton Hall, built in 1810 by Joseph Livesey. It was later rebuilt and enlarged with Ancaster Stone, but was demolished in 1955. Livesey's descendents held the manor into the 20th century.

Remnants of Baumber's historic past also remain with the rare mud & stud, Grade 2 Listed Thatched cottage surviving adjacent to the Red Lion Inn, in addition to 'Gathmans Cottage' of the same period construction, which is an integral feature of Baumber Park, accessed at the bottom of the unmade up lane running due west along the boundary of the Thatched Cottage, off the A158. It is this lane that would have provided access to villagers living along the ribbon development forming the central focus of this past times western aspect of Baumber, which is now marked along the lane known locally as Farmers Row, and officially indentified as the Bardney -Wispington Road.

Farmers Row provides access to three of Baumber's Period Country Farm Houses, 'The Limes', 'The Chase' and 'Baumber Park', with its rolling park farm landscape up to western boundary of the Red Lion Inn, again with appreciated stunning & iconic views towards Lincoln Cathedral.

2. Material Background of Baumber Parish Council Appeal Case.

2.1 Baumber Parish Council supports East Lindsey District Council's (ELDC) refusal of the Appellants Planning Application, seeking Outline Planning Permission to demolish the Red Lion Inn and a proposal to erect 7 dwellings on the existing site, as set out in the Council's Particulars of Decision notice dated 19-02-2016, that:

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.

2.2 The Parish Council carefully considered this Planning Application submitted on the 27th March 2015, at a meeting held on the 21/04/2015 and responded to ELDC as copied below, setting out the views in respect of the importance of the retention of a valued Community Asset.

It should be noted that these submissions highlight the perceived intentions of the Appellant, even at that time as indicated below:

The owner of the property at present had no intention of ever opening the downstairs to the public and it must be extremely in need of renovation which would be costly, but this is absolutely no excuse to make no effort whatsoever and to then expect us all to keel over and grant him what he's probably been after all along, at our communal expense.

The final decision is yours but the general feeling is that we wish to keep the pub.

2.3 Parish Council covering letter to ELDC dated 22nd April 2015.

Dear Miss Stuart

Re: S/011/00598/15

Outline erection of 7no. Dwellings on the site of an existing public house which is to be demolished at The Red Lion Inn, Lincoln Road, Baumber, Horncastle, Lincs. LN9 5ND

The Parish Council met last night with interested members of the village to discuss the above application by Mr Peall, who was also present.

Firstly, there appears to be an assumption that the Red Lion is to be de-licensed and demolished, and this aspect alone concerns us as a vital Community Asset could be removed forever should this happen. We were asked 18 months ago to consider such an occurrence and wrote back stating reasons for retaining the Asset (see enclosed copy letter). Mr Peall, after nearly 5 years, has done absolutely nothing to preserve the licensed premises despite being in the trade himself.

Secondly, one house and one semi appear beyond the building line. There are plenty of places in Baumber to erect one house and one semi to make up the quota for the village, without impinging on the Plan, which is there for a reason. Bungalows would fit in far better and would not spoil the aspect for those (mainly bungalows) opposite.

Thirdly, adequate provision must be made for effluent etc from any development as overflow appeared in the field beyond the pub and in Baumber Park Farm Yard when the pub was in use, and this was when the waste management tank was no longer being used.

Fourthly, major concerns about the entrance/exit to the development with regard to the A158 and volume of traffic passing.

Fifthly, one semi being rather too close to the Grade II listed Cottage next door. We have not yet received the Heritage Impact Assessment with regard to this so cannot comment further.

Generally, the feeling was that the area should be tidied up as it's an eyesore, so some kind of development would be beneficial but not at the expense of the sacrifice of the pub, a solution we realise will be difficult to reconcile.

2.4 Baumber Parish Council Copy minutes of a meeting held on 21st April 2015.

BAUMBER PARISH COUNCIL

25 MAR

Minutes of an Extra Ordinary Meeting held on Tues 21 April 2015 at 7.30 in the Village Hall.

Those Present: Messrs. R Espley (Chairman), S Scholey (Vice-Chairman), M Portas, M Jones, M Harrison, Mrs S Willerton and Mrs F Espley (Clerk)

Also Present: Richard & Harry Peall, Laura Newton, Jayne Williams, Antony Strawson, Claire Smith, Jayne Fable, John Lowe, Clare Smeeton, Sonia Elton & Philip Bulwinkle.

This Meeting was held to discuss the Outline Planning Application submitted by Mr R Peall to erect 7 no. dwellings on the site of an existing public house which is to be demolished at The Red Lion Inn, Lincoln Road, Baumber, Lincs. LN9 5ND, Ref: S/011/00598/15

Mrs Fable had concerns about the adequate entrance/exit to any proposed development regarding the busy A158 – Ms Smith agreed there should be sufficient room for a car entering as well as one exiting.

Mr Harrison expressed surprise that it had been agreed that the pub could be demolished. There had been no notice of this, or of any de-licensing, to the Parish Council. It was understood ELDC had a policy of not wanting to de-license premises, an example of which is the Midge Inn at Hatton.

Mrs Willerton asked Mr Peall why he had never opened the pub and he explained about the poor structural condition. She could not accept that, as a builder, Mr Peall had not had a survey before purchase, or that he was surprised at the state of the building. Mr Espley suggested he could have sold the place once he had learnt of its true condition, and Mr Peall ruefully agreed he had a fair point. On being asked why he could not have demolished the pub at the beginning and rebuilt it, he said 'there is no profit in that'.

No Heritage Impact Assessment had been included in the application as promised so there could be no serious discussion about the closeness of one proposed semi to the Grade II listed Cottage next door. The distance between the two dwellings seemed awfully short and would be bound to affect the character of the Cottage. Mr Espley admitted to an interest as the Cottage belongs to him.

Both Mr Bulwinkle and Mr Harrison wanted assurances the waste management would be properly assessed. The tank belonging to the pub had been disconnected some years ago but effluent appeared in the field behind, and as far away as Baumber Park Farm Yard.

Two proposed properties, one semi and one house, appear behind the building line. On asked about this Mr Peall said ELDC had agreed to this. Why? Mrs Elton said there were plenty of other places in Baumber to meet housing requirements without relinquishing the pub because as we know, once its gone, its gone.

Mr Jones asked who would be carrying out the building and Mr Peall said he was going to do most of it; the house would be for his family and he would rent out the rest. Mr Jones was concerned this could all take a very long time and Baumber could be subjected to a building site for a number of years.

Most of the properties of those living opposite the proposed site are bungalows and all agreed a small development of bungalows would be preferred to semis which would block their view, and not be in the character of the village despite the assurances of Neil Dowlman, the Architect.

Overall, it was agreed something had to be done to the site as it is an eyesore, notwithstanding the ongoing issue of the public house.

The Meeting closed at 8.20pm.

2.5 Accompanying Statement to ELDC dated Friday 13th December 2013 setting out the Parish Council's case for the retention and reinstatement of the Red Lion Inn as an ongoing Community Asset.

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frances espley <baumberparishcouncil@gmail.com>

Acolaid Case S/011/00182/13/IC

frances espley <baumberparishcouncil@gmail.com>
To: "Bishell, Lyndsey" <Lyndsey.Bishell@e-lindsey.gov.uk>

Fri, Dec 13, 2013 at 5:32 PM

Dear Mrs Bishell

Further to your recent correspondence regarding the Red Lion Inn, Baumber, I have contacted Parish Council members to ask their opinion on the Community Asset aspect.

It is difficult for many of them who have lived in Baumber a long time to remain dispassionate about the pub. A generation ago it was extremely busy and popular with coach loads stopping en route and away from Skegness. Now of course transportation is so different that that particular facility is no longer required or indeed used.

Like any pub in any village/town anywhere of course it was used for anniversary parties, birthdays, wedding receptions, etc. but not exactly regularly. Most of us agree that when it was open, probably 90% of the villagers never went in, and of those who did it was obviously not every night! Drinking and driving changed things; the pub's on a main road, it's expensive to spend an evening in the pub these days, and unless food is produced at competitive prices the pub is not going to survive financially.

However, your question was not about the viability of the place per se because if, as in the past, the right person(s) came along it could be a success. The real worry is that if the pub goes we shall never get it back, and Baumber has lost it's Post Office (a few years ago now), its School, its Policeman, its Vicar, and the existing Village Hall is suffering financially. Hopefully the [redacted] family development in their farmyard for which it has recently been awarded planning permission will supply the village with more people, who may wish to use a pub, and we all want Baumber to survive so Community Assets in every form are necessary.

The owner of the property at present had no intention of ever opening the downstairs to the public and it must be extremely in need of renovation which would be costly, but this is absolutely no excuse to make no effort whatsoever and to then expect us all to keel over and grant him what he's probably been after all along, at our communal expense.

The final decision is yours but the general feeling is that we wish to keep the pub.

Regards

<https://mail.google.com/mail/u/0/?ui=2&ik=12d0a13521&view=pt&search=inbox&m...> 05/01/2014

2.6 Baumber Parish Council response letter to ELDC dated 04th May 2015 regarding further planning concerns and observations.

Miss L Stuart
ELDC, Planning
Tedder Hall
Manby, Louth
Lincs. LN11 8UP

4th May 2015

Dear Miss Stuart

Re: S/011/00598/15

Outline erection of 7no. Dwellings on the site of an existing public house which is to be demolished at The Red Lion Inn, Lincoln Road, Baumber, Horncastle, Lincs. LN9 5ND

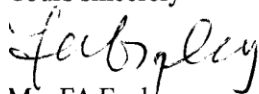
Further to the receipt of the Heritage/Historic Impact Assessment I am writing with further observations regarding the above application.

There are concerns regarding the proximity of a proposed semi-detached house to a Grade II listed small thatched cottage and its surroundings affecting its position in the environment overall. This appears to be against all planning policy on this subject. Planning restrictions are in place for the owners of this Cottage so it is only right that any proposed development adheres as strictly.

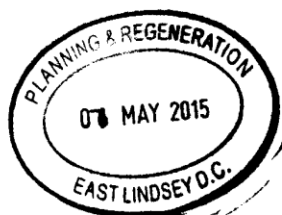
I would just like to point out that there are one or two errors in the Assessment: the roadside hedge belonging to the Cottage is laurel, not privet; the type and number of windows is not strictly correct; the school is now a Learning Facility for disaffected children, and not a residential house. Attention to detail surely is paramount in composing a document outlining impact.

I enclose a copy of Policy BH11: Development affecting the Setting of a Listed Building.

Yours sincerely



Mrs FA Espley
Clerk



3. Appellant's Grounds For Appeal Statement and Baumber Parish Council's response.

3.1. Baumber Parish Council consider the heart of the appellants' appeal case as well its own, is the statement made in Para 2.1 "*The site was purchased by Mr R Peall from Eden Marketing in 2011 as "development land" at which time the property had been "abandoned" as a public house, having stood empty for several years with only intermittent use*".

3.2 The Parish Council refer back to our submission of the 13th December 2013, that it was evident to the Parish Council, that there was '*no intention of ever*' of reinstating The Red Lion as a viable public house. The appellant by his own admission as a "*builder/developer*", appears to have disregarded the structural status and state of repair of The Red Lion at the time of his purchase in 2011, and then consistently sought to present a '*fait accompli*', based on his stated intention of the purchase of the site solely for development, even to the extent of allowing and facilitating the fact that the Inn's internal fittings, along with the internal and external structure of the building have fallen into a state of disrepair, as evident in the Structural Appraisal submitted as part of his appeal case.

3.3 Furthermore it is evident that the appellant did not in good faith pursue the requirements of policy CF2, along with NPPF Para's 28 & 70 set out and stipulated by ELDC in their letters, of 23th May 2013 & 10th February 2014 respectively, to engage in and submit evidence of an active marketing exercise over a period of 6 months, to determine the levels of local and public interest in order to determine the Inn's potential viability and that without gathering this evidence, establish whether or not the '*principle of demolition*', would or could be, considered acceptable.

3.4 The Parish Council do not consider that this apparent circumventing or ignoring pre planning advice is acceptable and thus by default, there is and was, a clear intention at the outset to deny the Baumber community of what was and still is, regarded as a highly valued community asset

3.5 Contrary to the appellants assertions, The Red Lion has been successfully run by the '*right persons*' until just up to the time the Appellant purchased it through a '*management company*' who themselves had bought it unseen at auction. In his Grounds for Appeal statement, he states; "*that the pub had been failing for about 25 years*". The Parish Council are very aware that Mr Ian Dawson was the last successful landlord who sold on the Inn, we understand this was because he was seeking to increase its turnover, by erecting a conservatory-type dining room out into the car park, but was advised by ELDC that planning permission to construct any external structure that could potentially impinge on the adjacent Grade 2 listed thatched cottage, previously mentioned, was unlikely to be granted. Without this extension in prospect, it was reported that Mr Dawson considered he was not able to

"*expand his business as he would have liked*", and placed the Inn on the open market for sale.

3.6 The Appellant prescribes to the notion that The Red Lion be considered to be "*abandoned as a public house*", but it is understood he and his family continue to live in the accommodation upstairs and store work related goods downstairs within the original bar area of the Inn. Whilst we also do have concerns and considerations as to the ongoing future of the Red Lion site, which in the short term is dependent on the outcome of this appeal, The Parish Council still has serious & fundamental issues and concerns regarding the outline details of the Appellant's proposed development as is, if outline planning permission is to be forthcoming, as previously set out in our responses in our initial planning application consultations with ELDC.

3.7 Baumber Parish Council called an *Extra Ordinary meeting on Friday 04th November 2016 to again consider the Parish Council's position and review the Appellants' Grounds for Appeal; following careful consideration and representations by the Appellant, a unanimous resolution was proposed and passed, that the Parish Council position had not changed in the light of the appellants grounds for appeal and that The Parish Council would continue to support ELDC's grounds for refusal and dismissal of this appeal.

4. CONCLUSION

4.1 For the reasons and grounds set out as above and in accordance with the Council's previous meetings minutes and Councillor's resolutions, Baumber Parish Council respectfully request that this appeal be dismissed.

*see attached minutes of Friday 04th November 2016.

END