

Planning Appeals Digest

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**CAMPAIGN
FOR
REAL ALE**

LOSS OF VALUED LOCAL FACILITY

Dismissed Appeals

Golden Lion, London NW1 (169) (2013) 2199667

Clear evidence that this is a local pub serving a community use. Allows people to meet and interact in a convivial and safe atmosphere.

Yew Tree Inn, Holloway, Derbyshire (132) (2012) 2167333

Permanent loss would be harmful to social and economic life of village. Local Plan policy accords with NPPF Policy 70.

Unicorn, Cherry Hinton, Cambs (133) (2012) 2167572

Would result in loss of community facility for which no evidence that no longer a need, so contrary to objectives of NPPF. Two other pubs close by.

Plough, Shepreth, Cambs (134) (2012) 2167619

Unacceptable loss of a potential contributor to social amenity of village.

Carpenters Arms, Cambridge (135) (2012) 2168512

Other pubs close by but without same “local” character. Whilst its loss would not reduce the local community's ability to meet its day-to-day needs, it would result in the loss of a facility of value to it. No relevant Local Plan policy but NPPF 70 applies.

Victoria Hotel, Lytham St Annes (136) (2012) 2168726

Pub of considerable value to local community and no reasonable alternatives close by. Loss unnecessary in terms of NPPF 70.

Cross Keys, Kensington & Chelsea (139) (2012) 2172342

Clear that pub valued by local people not simply as a structure but in relation to its use. Nearby pubs not equivalent in terms of community value.

Lord Clyde, Lewisham (141) (2012) 2174328

Representations from local community showed clearly importance attached to facilities provided (which include a boxing gym and meeting rooms – more weight attached to these than loss of pub)

Rosemary Branch, Cambridge (143) (2013) 2183797

Absence of information to show that retention of a community use no longer necessary. Pub in peripheral location and closed for some time.

Royal Standard, Cambridge (148) (2012) 2174210

Inspector satisfied that it represented a valued community asset despite being closed as a pub for five years. Nearby pubs regarded as “niche drinking establishments”.

Queens Head, London SW3 (146) (2012) 2177513

Change of use would cause loss of valued social and community facilities, contrary to local and national policies.

Northdown, Cliftonville, Kent (147) (2012) 2173152

No suitably located and adequate alternative facilities in area so must be safeguarded.

Britannia Tap, London W14 (152) (2013) 2180954

Change of use would remove a community facility which contributes to the social, recreational and cultural facilities of the area.

Earl Derby, London W10 (157) (2013) 2189974

Dismissed on character/appearance grounds. Little evidence that pub valued by local community – Para 70 does not therefore apply.

Pheasant Inn, Linley Brook, Shropshire (160) (2013) 2192177

Pub can be deemed a valued local facility

Dog & Partridge, Tosside, N Yorks (168) (2013) 2193965

Insufficient evidence to show that the loss of the community facility could be justified.

Crown, Reepham, Norfolk (177) (2013) 2196244

Pub located in residential area and characterised as “a traditional PH”. Development would result in the loss of an important community facility contrary to both local and national planning policies.

Feathers, London NW1 (179) (2014) 2215985

Proposed development would involve loss of a valued community facility which would be harmful to the surrounding community.

Pear Tree, Hildersham, Cambs (191) (2015) 3010681

Pub has been converted to a “shop”. Nonetheless, further conversion to residential refused because still loss of a community facility.

Bittern, Southampton (203) (2015) 2222726

Valued community facility. No similar or replacement facilities in the neighbourhood.

Rising Sun Inn, Woodcroft, Chepstow (205) (2015) 3006278

No other suitable or convenient facilities nearby, therefore unjustified loss of valued facility.

White Lion, St Leonards, Bucks (233) (2016) 3130705/3131920

Loss of community facility would be contrary to local plan and NPPF. Insufficient evidence presented to demonstrate non-viability.

Dukes Head, Coddenham, Suffolk (236) (2016) 3143123

Unacceptable loss contrary to NPPF and local plan policies. Clear evidence from ACV registration and formation of Save the Dukes Head Group that locally valued.

Bantam, Burghfield Common, Reading (241) (2016) 3138150

Pub had been run down, with little investment and poor management. Loss of valued community facility not adequately justified.

Ermine Way, Ancaster, Lincs (242) (2016) 3153467

Decision features especially rigorous interpretation of NPPF requirement to safeguard valued facilities and services.

Allowed Appeals

King George 1V, Pinner (137) (2012) 2169809

Other pubs, bars and restaurants in area. No evidence that pub offers a valuable local community facility which other nearby establishments unable to provide.

Mordern Tavern, Mordern (140) (2012) 2172973

Other licensed premises in “wider area” and proposals include A4 use in one unit. Proposals do not therefore conflict with Local Plan policy on loss of community facilities or with Framework aims.

Vaughan Arms, Lapley, Staffs (142) (2012) 2177083

Only pub in small village. Closed for six years. Larger village with facilities nearby. Viability main issue.

Squinting Cat, Clipstone, Notts (151) (2012) 2177786

Three other licensed premises within 100 metres. Inspector satisfied that continued use as a pub no longer feasible.

Charlie Butler, London SW14 (153) (2013) 2180089

Other pubs within walking distance. Council had been satisfied that business was loss making and continued use would be unviable.

Lark in the Park, London N1 (156) (2013) 2186119

“No realistic prospect” of the property returning to pub use. Other pubs in area which could continue to meet the day to day needs of the community.

Tea Clipper, London SW7 (162) (2013) 2184334

No loss of valued local facility – many other pubs in area and no community protest.

Red House, Leamington Spa (172) (2013) 2200963

Wide choice of alternative pubs nearby, sufficient to meet the needs of the local community.

Alexandra, London N2 (190) (2015) 3001921

Despite being ACV, not “universally valued” by wide enough cross-section of community. Other pubs nearby.

Zebra, Cambridge (192) (2015) 2229109

Accepted that conversion to a shop meant now had no status as a community facility so further conversion to residential OK.

Three Horseshoes, Brotherton, Selby (195) (2015) 3011293

New use as a gym considered to be an acceptable community use.

Plough, Coddington, Notts (235) (2016) 3151592

Objections by local people to loss of pub but “these did not form part of the Council's reasons for refusal”. Inspector satisfied that level of resultant harm would be low.

VIABILITY

Dismissed Appeals

School House Inn, Low Marishes, N Yorks (92) (2010) 2125456

Local planning policy requires applicants to demonstrate that facility no longer financially viable – no such evidence.

Sun & Harrow, Ware, Herts (84) (2009) 2091022

No audited figures submitted to support assertion that business not viable

Hare & Hounds, Hempstead, Norfolk (85) (2009)2090896

No significant information presented about efforts to make the business viable.

Black Horse, Tilshead, Wilts (106) (2008) 2057816

Has potential to be viable in right hands. Case for non-viability not proven.

White Horse, West Wickham, Cambs (112) (2008) 2057840

Evidence suggests pub could be run as a viable business, providing a modest but sustainable income.

White Swan, Shawell, Leics (122) (2011) 2149415

Appellant needed to prove non-viability. Evidence didn't clearly indicate but not financially viable. No evidence of “varied and concerted attempts” to attract customers.

Foresters, Chelmondiston (74) (2009) 2092603

Non-viability unproven.

Unnamed Pub, Cornwall (DCS ref 100-072-057)

Not viable on current business model but not proven that it could never be viable.

Unnamed Pub, Oxon (DCS ref 100-069-963)

Non-viability unproven. Existence of three other pubs in modest settlements within 3 km suggests it could be viable.

General Elliot, South Hinksey, Oxford (131) (2011) 2156628

Not demonstrated that continued pub use would not be economically viable.

Pheasant Inn, Linley Brook, Shropshire (160) (2013) 2192177

No evidence that incapable of being viable – clearly had been in past. PHVT cited.

Crown, Reepham, Norfolk (177) (2013) 2196244

Information presented did not show that the commercial proposition is no longer viable or that no licensee could reasonably be expected to make a living from the enterprise.

Feathers, London NW1 (179) (2014) 2215985

Viability or otherwise of pub remains an open question. Lack of viability not adequately demonstrated for local policy purposes.

Black Hart, Thorney Toll, Cambs (220) (2016) 3135445

Closed since 2012. Insufficient substantiated evidence on viability to justify loss of pub, having regard to local and national planning policy.

Cherry Tree, Belchamp St Paul, Essex (229) (2016) 3136819

Since pub closed in 2013, no efforts had been made to promote the retention of the village facility as required by NPPF and local plan so non-viability not demonstrated.

New Plough, Covenham St Batholomew, Lincs (231) (2016) 3139947

No conclusive evidence of non-profitability. ACV listed and community interested in buying. No clear and convincing evidence that the facility is not viable in the long term.

Dukes Head, Coddenham, Suffolk (236) (2016) 3143123

Evidence that pub had been unwelcoming and run down with no food served and garden unused. Effective and enthusiastic operator could make business successful and viable.

Cross Keys, Henley, Ipswich (238) (2016) 3143228

Not demonstrated that sufficient attempts made to maintain a viable pub or consider diversification. Inspector addressed “relevant aspects” of the PHVT “as an integral part of my reasoning”

Allowed Appeals

Woodcock, Hindhead, Surrey (63) (2011) 2159524

Loss of pub warranted by considerations of viability and availability of other facilities in the area.

Cricketers, Warborough, Oxon (72) (2010) 2118268

Inspector satisfied pub not viable, especially in face of competition from other village pub.

Gardeners Rest, Stroud, Gloucs (87) (2008) 2049024/2065688

Sufficient evidence submitted to show pub no longer viable; nothing to suggest its decline could be reversed.

Chequers Inn, Challock, Kent (123) (2011) 2159597

Business did not become unviable because of neglect but because unable to attract enough trade.

Shoulder of Mutton, Tettenhall (73) (2009) 2101620/2101618

Possibility of additional facilities not regarded as a planning consideration.

Vaughan Arms, Lapley, Staffs (142) (2012) 2177083

Closed for six years. Inspector satisfied from professional reports that return to pub use would be unviable.

Butt of Ale, Salisbury (154) (2013) 2186633

Inspector accepted evidence on trading figures and marketing as proof of non-viability.

White Horse, Hitcham, Ipswich (211) (2015) 3001531

Evidence produced to show business making a loss for some time despite best efforts of owners.

New White Bull, Giltbrook, Notts (222) (2016) 3133491

“Independent” viability study accepted and evidence not disputed by Council. Loss would not reduce community’s ability to meet its day-to-day needs.

Prince of Wales, Hertingfordbury, Herts (228) (2016) 3028983

Appeal actually dismissed on other grounds. Proven history of financial difficulties since 2000. Small pub with no scope for food and with no passing trade. Limited likelihood of profit being generated in the future so marketing would serve no useful purpose.

ONLY PUB IN SETTLEMENT

Dismissed Appeals (n.b. There are many where the pub is the only one in a settlement but main reason given is usually adverse impact on community life)

Hare & Hounds, Hempstead, Norfolk (85) (2009) 2090896

Only pub serving both Hempstead and Baconsthorpe (and situated between the two)

Black Horse, Amberley, Arundel (165) (2013) 2186992

Inspector considered that pubs in neighbouring settlements were too far away and that a hotel in the village didn't offer comparable community facilities.

Allowed Appeals

Crown Cottage, Orcheston, Wilts (79) (2009) 2091614

Population under 400. On its own unlikely to provide sufficient trade, especially as situated at end of narrow no-through road.

Oak Tree, Copt Hewick, N Yorks (86) (2008) 2072331

Small village. Inspector satisfied that genuine efforts made to make pub viable and reasonable attempts made to market it.

Fleur de Lys, Brenzett, Kent (90) (2008) 2046669

Small settlement. Accepted that marketing done properly and business not viable, particularly as building needs money spent on it.

Peacock, Horsley Green, Essex (93) (2008) 2082934

Isolated hamlet of 16 dwellings. Needs car-borne trade to be viable. Trading accounts prove loss-making. Had been properly marketed.

Three Horseshoes, Brotherton, Selby (195) (2015) 3011293

New use as a gym considered to be an acceptable alternative use.

ARTICLE 4 DIRECTION IN FORCE

Dismissed Appeals

Highbury Barn, Great Cornard, Suffolk (158) 2013 2190852

Article 4 removed PD rights for demolition because considered a heritage asset (though not even locally listed)

PUB REGISTERED AS ACV

Dismissed Appeals

Black Horse, Amberley, Arundel (165) (2013) 2186992

Registration as ACV at behest of local community demonstrated the extent to which they valued it.

Feathers, London NW1 (179) (2014) 2215985

Strength of local opinion further evidenced by nomination of site as an ACV

Chesham Arms, London E9 (182) (2014) 2209018

The registration of the pub as an ACV was “a material consideration of significant weight in this appeal”.

Porcupine, London SE9 (183) (2014) 2217362

“As an ACV, the property is by definition considered to be of value to the community”

Pear Tree, Hildersham, Cambs (191) (2015) 3010681

Mock conversion to “shop” – still regarded as community facility in a small village. “The value of the Pear Tree as a community asset is recognised through its ACV status.”

Bittern, Southampton (203) (2015) 2222726

ACV listing regarded as material consideration in assessing value to local community.

Rising Sun Inn, Woodcroft, Chepstow (205) (2015) 3006278

ACV process, whilst separate from Planning, is relevant to consideration of community value and some weight can be afforded to it.

White Lion, Goring Heath, Oxon (212) (2015) 2224457

No suitable similar facilities nearby. No evidence that business could not succeed in the right hands.

Cuckoos Rest, Dordon, Staffs (216) (2016) 3124776

Only pub in village. No substantive evidence that business could not become profitable. Proposals would mean loss of valued community facility.

Ridge & Furrow, Abbeydale, Gloucester (218) (2016) 3018634

Dismissed on design grounds. Accepted that business had become unviable, despite strong local objections

New Plough, Covenham St Bartholomew, Lincs (231) (2016) 3139947

The clear community support for retention of the pub and lack of alternative facilities were evidence of its necessity.

Admiral Mann, London N7 (232) (2016) 3147248

'Trojan Horse' application. No ability to provide food so would fail to serve needs of local community adequately.

White Lion, St Leonards, Bucks (233) (2016) 3130705/3131920

Loss of community facility contravenes local plan and NPPF. Insufficient evidence of non-viability.

Feathers, London NW1 (237) (2016) 3024042

Large amount of support from local community – loss of pub would be harmful to that community.

Cross Keys, Henley, Ipswich (238) (2016) 3143228

Inspector regarded ACV listing as a material consideration. Pub a valued local facility, marketing unrealistic and non-viability not proven.

Penny Farthing, Timberland, Lincs (243) (2016) 3150763

Strength of local opinion on value of pub further evidenced by registration as an ACV.

Allowed Appeals

Red House, Leamington Spa (172) (2013) 2200963

Whilst a material consideration, did not outweigh Inspector's finding that a viable community facility would not be lost.

White Horse Inn, Hitcham, Ipswich (211) (2015) 3001531

Listing as ACV suggests value placed on pub by local community so a material consideration – but evidence shows pub not viable nor supported by local people.

Toad Hall Arms, Moorsholm, Cleveland (226) (2015) 3095240

Moratorium period expired with no bids made. Sufficient evidence submitted to demonstrate non-viability and that appropriate marketing had failed to attract offers.

Mapplewells Inn, Sutton in Ashfield, Notts (227) (2016) 3134656

Sufficient other community facilities available to meet local needs – four other pubs within half a mile.

Bull Inn, Thorpe Morieux, Suffolk (239) (2015) 3006718

Claimed that change of use to A1 under PD rights had taken place. Inspector did not consider this a matter for him to determine. Little evidence that A1 use was of community value.

Maypole, Halesowen, Dudley (247) (2016) 3137157

Inspector recognised that registration demonstrated value to local people but did not consider loss of valed facility to be a main issue in the case.

STRONG LOCAL POLICY – RURAL

Dismissed Appeals

Swan, Alderton, Suffolk (67) (2010) 2114808

Suffolk Coastal DC has strong policies to support local economy and vitality of rural communities.

Bull, Bellingdon, Bucks (69) (2010) 2122158/2122257

Chiltern DC policy states that in Green Belt no change of use allowed of community facility unless equally convenient replacement provided (or can be shown to be no longer needed)

Red Lion, Upper Sheringham, Norfolk (66) (2010) 2116106

North Norfolk DC policy stringent on safeguarding local services and requires a viability test to be carried out.

White Horse, West Wickham, Cambs (112) (2008) 2057840

South Cambs DC Policy SF/1 – loss of pubs will be refused where it would cause an unacceptable reduction in community provision.

Cricketers, Warborough (72) (2010) 2118268

South Oxfordshire DC requires a “Community Facilities Viability Assessment”

STRONG LOCAL POLICY – URBAN

Dismissed Appeals

Sebright Arms, London E2 (65) (2010) 2128582/2128577

Tower Hamlets IPG policy RT6 requires no loss of pub which will create a shortage of pubs within easy walking distance (300m) of residential areas.

Sun & Harrow, Ware, Herts (84) (2009) 2091022

East Herts Policy STC8 seeks to restrain the loss of pubs, unless clear that not viable.

Greyhound Inn, Cheltenham (126) (2009) 2088458

Local Plan Policy RC1 prevents loss of premises which meet community needs unless certain criteria satisfied, including need for site to remain in community use (but doesn't specify pubs)

EFFECT ON COMMUNITY LIFE

Dismissed Appeals

Swan, Alderton, Suffolk (67) (2010) 2114808

Loss of pub would be at the expense of wider community interests.

Bull, Bellingdon, Bucks (69) (2010) 2122158/2122257

Loss of pub would be at expense of wider community interests

Red Lion, Upper Sheringham, Norfolk (66) (2010) 2116106

Loss would harm surrounding rural community

Norton, Cold Norton, Essex (94) (2008) 2059860

Residential use would have a permanent and materially harmful effect on community life. No other pub within reasonable walking distance.

Fountain, London N15 (100) (2006) 2015777/2015782

Pub an asset to the community and UDP policy supports retention of such facilities – but dismissed mainly because of adverse visual impact of proposals.

Walnut Tree, Fawley Green, Oxon (119) (2007) (not known – DCS No OT100-047-051)

Local population felt passionately about loss. Pub would make positive and very welcome contribution to village life. Pub not shown to be unviable.

Wheatley, Ben Rhydding, W Yorks (3) (2006) 1168158/1168157

Urban location. Proposal would harm sustainability of community in terms of local facility provision, contrary to national planning policy.

Flying Fortress, Great Barton, Suffolk (22) (2003) 1113589

Only a pub since 1986 but population of area has increased. Loss would be detrimental to social and economic well-being of area.

Black Horse, Tilshead (106) (2008) 2057816

Loss would deprive community of a facility contributing to its social life.

White Horse, Watchet (114) (2007) 2042556/2044055

Pubs seen as an important facility which underpin the rural community as well as serving a vital function in the social life of their community.

Dog & Partridge, East Wretham (130) (2002) 1105064/1105065/1105345

Loss would be harmful to the social fabric of the village.

New Inn, Priddy, Somerset (194) (2015) 3028948

Another pub within 200m. However, not demonstrated that no likelihood of a viable community use for the premises could be found.

Allowed Appeals

Shoulder of Mutton, Tettenhall, W Mids (73) (2009) 2101620/2101618

Other reasonably accessible existing facilities to accommodate displaced community activities

Morgan, Malvern, Worcs (83) (2008) 2105987

Several other pubs close by. Specific character of the pub not a factor because this can change.

Hare & Hounds, Rye Foreign, E Sussex (88) (2008) 2063597

Two pubs nearby. Loss would not cause material harm to social and economic life of community.

Blois Arms, Yoxford, Suffolk (89) (2008) 2059222

Two other pubs in village which are capable of meeting the pub needs of the community; pub not a key local facility.

White Horse, Whitchurch, Bucks (125) (2011) 2135795/2135789

Only pub in village but three other “meeting halls”. No evidence of any village activity being curtailed by closure of pub.

Half Moon, Helperby (2008)

Two pubs considered sufficient for village of this size so no significant effect on provision of local facilities or on community need.

Herne's Oak, Winkfield (101) (2008) 2082918

No community support so evidently not regarded as an important community facility.

Lord Nelson, Broadstairs (196) (2015) 3016558

Pubs nearby cater for a similar clientele so no unacceptable loss of community facilities demonstrated.

Red Lion, Northleach, Gloucs (198) (2015) 3039102

Other pubs nearby. Only one local objection. Premises do not fulfil a recognised need for community facilities.

MARKETING

Dismissed Appeals

Red Lion, Upper Sheringham, Norfolk (66) (2010) 2116106

Not marketed as a pub, contrary to requirements of local plan.

Travellers Rest, Stowe Green, Gloucs (91) (2010) 2124023

No evidence that pub had been marketed properly as a pub.

Bull, Bellingdon, Bucks (69) (2010) 2122158/2122257

No evidence of any marketing as a pub.

Rushton Inn, Rushton Spencer, Staffs (75) (2008) 2071809

No evidence that “every reasonable attempt” made to secure a business use.

Hare & Hounds, Hempstead, Norfolk (85) (2009) 2090896

Pub put up for sale with agents but no information provided on extent of marketing carried out.

Lamb, West Hanney, Oxon (108) (2008) 2066892

Not satisfactorily marketed as a pub – only advertised for five months and only on terms of a 20 year lease at fixed rental.

Bickford Arms, Torrridge, Devon (38) (2001) DCS No 35889384

Settlement of only 15 houses. Advertised for sale independently for only four months – inadequate proof that market had been tested.

Plumbers Arms, Denston

Advertised locally but not in media aimed at licensed trade which is “an essential part of the strategy”

Herne's Oak, Winkfield (101) (2008) 2082918

Marketing of the property for non-licensed premises would not have amounted to a conclusive test of the possible demand for pub use (appeal allowed for other reasons)

Carpenters Arms, Cambridge (135) (2012) 2168512

Necessary to market as a pub for a reasonable period to test whether change of use of a valued community facility is appropriate.

Mole Inn, Tadley, Hants (150) (2012) 2173348

Inspector concluded the asking price was too high and therefore there had not been a long enough marketing exercise at a realistic price to demonstrate that continued pub use wasn't viable.

Pheasant Inn, Linley Brook, Shropshire (160) (2013) 2192177

Marketed at a price which reflected its value as a dwelling, not a pub.

Restoration, Reading (163) (2013) 2193326

Lack of evidence of sufficient marketing as a pub therefore premature to write it off.

Black Horse, Amberley, Arundel (165) (2013) 2186992

No marketing carried out – appellant relied on opinion of Fleurets that pub not viable.

Newtown Inn, Lower Eggleton, Herefordshire (167) (2013) 2198409

Only advertised on marketing agent's website and, at a lower price, for a very short time

Wellingtons, Folly Hill, Farnham, Surrey (186) (2015) 2223439

Asking price unrealistic. Loss of pub not justified in regard to viability and marketing information.

White Horse, London SE7 (209) (2015) 3005023

Required two years of marketing had not taken place. Local Plan evidence requirements not met.

Old Boot Inn, Stanford Dingley, Reading (223) (2015) 3026382

Inspector felt asking price had been set too high. Appellant did not seek to remarket from other agencies despite long time with no offers.

Cherry Tree, Belchamp St Paul, Essex (229) (2016) 3136819

Pub put on market for 12 months in 2008. Succession of landlords followed, some of whom responsible for collapse in trade. Pub closed in 2013 and no attempt to “promote its retention” as required by NPPF and local policy – so no evidence of non-viability.

Former Jolly Gardener, London SW4 (230) (2016) 3140151

New building on site of former pub. Appeal against refusal of change of use of ground floor from authorised A4 use to residential. Inspector not convinced there had been active and appropriate marketing, nor that there was no reasonable prospect for an A or D class use, so proposal would contravene local and national policy on community facility provision.

Dukes Head, Coddendam, Suffolk (236) (2016) 3143123

No asking or guide price provided – offers accepted or rejected on basis of residential value. Marketing needed to have established if there was interest in the building as a pub.
Marketing “unacceptably deficient”.

Feathers, London NW1 (237) (2016) 3024042

Marketing was not appropriate with quoted rent levels reflecting residential rates. Therefore failed to demonstrate that loss of pub justified.

Cross Keys, Henley, Ipswich (238) (2016) 3143228

Although marketing campaign extensive, not shown that terms were realistic and appropriate – so requirements of SPD not met.

Penny Farthing, Timberland, Lincs (243) (2016) 3150763

Reasonable efforts not made to find a purchaser, tenant or operator willing to continue the business so as to fulfil requirements of local policy.

Three Tuns, Guilden Morden, Cambs (244) (2016) 3144471

Marketing was for a much shorter period than required by local plan policy which would have restricted the opportunity for the business to re-open.

Allowed Appeals

Gardeners Rest, Stroud, Gloucs (87) (2008) 2049024/2065688

Marketed by reputable agents. 30 viewings but no offers.

Fleur de Lys, Brenzett, Kent (90) (2008) 2046669

Sufficient evidence that premises had been properly and thoroughly marketed to no avail.

Chequers Inn, Challock, Kent (123) (2011) 2159597

Marketed for over a year with specialist agent. Only one offer, well below the guide price. No reason to doubt that asking price reasonable.

White Horse, Whitchurch, Bucks (125) (2011) 2135795/2135789

Premises were genuinely marketed for pub use with asking price not set at an unrealistic level.

Beckfords, Upper Basildon, Berks (129) (2010) 2125784

Satisfied that premises properly marketed; reopening and further use as a pub unlikely to happen.

Red House, Leamington Spa (172) (2013) 2200963

Pub marketed by a variety of means for some considerable time and in line with local planning policies.

Sydney Arms, London SE13 (204) (2015) 2220081

Marketed over a long period, with price reductions. Small, wet-led pub with little scope for diversification.

OTHER LICENSED PREMISES IN SETTLEMENT

Dismissed Appeals

Golden Lion, London NW1 (169) (2013) 2199667

Other pubs in area geared to a different market – young people, foodies. Only other “locals” pub has no function room. Nearby Community Centres have very different ambience.

Red Lion, Upper Sheringham, Norfolk (66) (2010) 2116106

Alternative, Dales Country House Hotel, had “a degree of formality more generally associated with a hotel”

Sun & Harrow, Ware, Herts (84) (2009) 2091022

Situated in residential part of town, centre of which is in easy walking distance – but pub still a community facility to serve its immediate area.

Bridge, Ruyton X1 Towns, Salop (95) (2008) 2072822/2072823

Two other pubs, both nearer centre of village and 15 minutes walk away but considered reasonably accessible. Appeal dismissed for other reasons connected with replacement buildings.

Black Horse, Tilshead, Wilts (106) (2008) 2057816

Inspector not convinced by argument that other pub adequately serves the village even though “not dissimilar”.

Lamb, West Hanney, Oxon (108) (2008) 2066892

Other pub a gastro operation which would not provide “the more informal and familiar facility of the local pub”

Unnamed Pub, West Oxon (14) (2003) N/K

Village of 1000 people. Not demonstrated that business could not be viable despite other pub.

Five Bells, Risely, Beds (124) (2011) 2132566

Other pub more food-oriented. Proposal would result in undesirable loss of important community facility.

Queens Head, London SW3 (146) (2012) 2177513

Other pubs within walking distance but pub still a well-supported and popular community facility.

Crown, Reepham, Norfolk (177) (2013) 2196244

Another pub 600m away but likely to serve a different catchment and type of customer because of its location and setting.

Feathers, London NW1 (179) (2014) 2215985

Each pub has a different function and character – spatial proximity is not of itself a necessarily reliable guide to the value placed on pubs by local communities.

Crown, Nuffield, Henley (197) (2015) 3023072

Wide variation between Council's valuation and appellant's asking price, which appeared to be artificially increased.

Kings Head, Kessingland, Suffolk (214) (2016) 3089670

Large village with several other pubs “which appear to be thriving”. No evidence of targeted marketing campaign and non-viability not proven.

Wheatsheaf, Gosforth, Cumbria (215) (2016) 3134460

Two other pubs in village – failure of business blamed on competition from them. Inspector found no evidence that the Wheatsheaf in itself was no longer of value to the community.

Old Boot Inn, Stanford Dingley, Reading (223) (2015) 3026382

Another pub within walking distance but with a “food-led restaurant feel.” Pub is a significant community facility to the village. Asking price set too high.

Ermine Way, Ancaster, Lincs (242) (2016) 3153467

Inspector critical of local policy which effectively accepts loss if another pub in settlement – conflicts with NPPR requirement to safeguard all valued facilities.

Allowed Appeals

Live & Let Live, Cutnall Green, Worcs (131) (2009) N/K

Loss would not harm functioning of village significantly because other pub had restaurant and public bar facilities.

Black Horse, Hose, Leics (110) (2007) 2024940

Small community. Other pub had “different atmosphere” but both served a wide range of food and drink and there was “nothing unique” about the Black Horse.

Unnamed Pub, Wiltshire Village (13) (DCS 1000037349)

Another pub in village which was trading strongly. Inspector agreed premises unlikely to generate sufficient income to provide a decent living.

Bull & Butcher, Aston Abbots, Bucks (19) (2002) N/K

Village had another pub which was appropriate to serve the immediate population.

Rising Sun, Coleford, Gloucs (20) (2002) N/K

Local area contained three pubs and a club, all within walking distance. Only one letter of objection.

Greyhound Inn, Cheltenham (126) (2009) 2088458

Two other pubs within 500 metres

Woodcock, Hindhead, Surrey (63) (2011) 2159524

Golf club, coffee shop, RBL club and Italian restaurant all deemed to be “similar” facilities in the area.

Chequers Inn, Challock, Kent (123) (2011) 2159597

Other pub at edge of village but Inspector felt it provided an alternative facility within reasonable walking distance.

Shoulder of Mutton, Tettenhall (73) (2009) 2101620/2101618

Alternative community facilities and pubs within the local area, two of them in easy walking distance of appeal site.

Morgan, Malvern (83) (2008) 2105987

Acceptable level of alternative provision is available to the local community.

Cricketers, Warborough (72) (2010) 2118268

Although appeal allowed, Inspector accepted that pub catered for a different clientele to the other village pub and was therefore an essential community facility (!)

Crown, Romford (234) (2016) 3153011

Other pubs in area so still a suitable range of community facilities. No detailed information on extent of support for pub by local people.

Red Lion Tavern, Sturton-by-Stow, Lincs (240) (2016) 3142794

No firm reason for believing pub to be unviable but existence of another pub meant loss would not result in significant harm.

LOSS OF EMPLOYMENT

Dismissed Appeals

Foresters Arms, Chelmondiston, Suffolk (74) (2009) 2092603

Local Plan policy only allows loss of an employment premises if retention has been fully explored – not the case here.

Flying Fortress, Great Barton, Suffolk (22) (2003) 1113589

Dismissed because of loss of community facility **and** associated employment opportunities

IMPACT ON HISTORIC INTEREST OF BUILDING

Dismissed Appeals

White Hart, Cross, Somerset (64) (2010) 2102127/2102128

Proposed development would harm the special interest of a listed building.

Sebright Arms, London E2 (65) (2010) 2128582/2128577

Demolition of (unlisted) building would have adverse impact on character and appearance of the conservation area.

Purbeck Hotel, Swanage, Dorset (76) (2009) 2086799

Change of use would undermine the special interest of the listed building.

Rose & Crown, Croydon (70) (2010) 2136134/2135399

Use as a pub is inherent to its architectural and historic interest. Building is a key feature of the conservation area.

Dog & Partridge, Tosside, N Yorks (168) (2013) 2193965

Although no physical alteration would be made, the functional significance of the building would be lost by change to residential

Allowed Appeal

New Boot Inn, Carlisle, Cumbria (27) (2009) N/K

Plan to alter interior of listed “Redfern” pub by inserting mock beams and raising floor level. Inspector considered it a “typical pseudo-traditional interior which has developed through successive alterations”

Tea Clipper, London SW7 (162) (2013) 2184334

No impact on historic interest of listed building – interior already badly mauled.

ADVERSE VISUAL IMPACT ON AREA

Dismissed Appeals

Unnamed Pub, 84 Watlington Street, Reading (68) (2010) 2117098/2117099

Proposals would be harmful to the character and appearance of the conservation area.

Rose & Crown, Croydon (70) (2010) 2136134/2135399

Would fail to preserve or enhance the character and appearance of the conservation area.

Crown & Anchor, London SW4 (81) (2009) 2089188

Scheme would harm the appearance and character of the conservation area.

Ferryman, Poole, Dorset (97) (2008) 2083276

Demolition would result in loss of valuable contribution building makes to the townscape.

Beech Hotel, Minehead, Somerset (117) (2007) 2044037

Scheme would downgrade character and appearance of the conservation area.

Lord Clyde, Lewisham (141) (2012) 2174328

Building of local importance and contributes positively to character of area.

Northdown, Cliftonville, Kent (147) (2012) 2173152

Proposals out of kilter with surrounding development (not a conservation area)

Queens Head, London SW3 (146) (2012) 2177513

Would harm the character of the conservation area and contravene local plan policy.

Britannia Tap, London W14 (152) (2013) 2180954

Loss would detract from character of building, the terrace of which it is part and the conservation area as a whole.

Castle, London SW11 (175) (2013) 2195363

Development fails to preserve the character or appearance of the Conservation Area.

Feathers, London NW1 (179) (2014) 2215985

Proposed development would be harmful to the character and appearance of both the host building and surrounding area.

Chiltern View, Uxbridge (187) (2015) 2225677

Change to residential would adversely impact on the character and appearance of the Conservation Area.

Queensbury, London NW2 (202) (2015) 2219081

Development proposed replacement pub – but would have had adverse lasting impact on Conservation Area.

Navigation Inn, Kings Norton, Birmingham (210) (2015) 3001904

Replacement shop would have adverse effect on character and appearance of local area.

Robin Hood, Guildford (219) (2016) 3133784

Public benefits of proposal outweighed by harm to conservation area. No protests about loss of pub.

Glory, Rawtensall, Lancs (225) (2015) 3131035

Proposal would cause significant harm to the character and appearance of the local area.

Allowed Appeals

Unnamed Pub, Shropshire Town (6) (DCS 34914585)

Council claimed traditional form and appearance added to character of area – Inspector disagreed, felt building much altered.

Unnamed Pub, Leicestershire (9) (DCS 34852848)

Semi-derelict, fire-damaged pub in conservation area. Inspector felt building would remain unused and an eyesore.

Old House at Home, Walton on Thames (145) (2012) 2170741

Proposals would not harm character and appearance of area and accord with local plan policies.

Penny Ferry, Cambridge (161) (2013) 2185764

Demolition would have a neutral effect on the appeal site and Conservation Area.

Crown, London SE17 (166) (2011) 2143911

Proposed replacement “well-conceived” and of sufficient quality to outweigh loss of pub building.

Summer House, Tipton, Dudley (245) (2016) 3138401

Development would not harm the character and appearance of the area nor the significance of nearby local heritage asset.

LOSS OF HERITAGE ASSET

Dismissed Appeals

Victoria Hotel, Lytham St Annes (136) (2012) 2168726

Proposal would mean total loss of a non-designated heritage asset of local significance, contrary to NPPF 126. Heritage detriment would be substantial.

Baring Hall Hotel, Lewisham (138) (2012) 2171328

Not shown that benefits of proposed development would outweigh harm caused by loss of building with locally significant historic, architectural and townscape quality.

Cross Keys, Kensington & Chelsea (139) (2012) 2172342

Proposed change of use would have a harmful effect on the value and significance of the building as a heritage asset and on the appearance and character of the Conservation Area.

Highbury Barn, Great Cornard, Suffolk (158) (2013) 2190852

Pub accepted as a heritage asset of local significance, even though not listed, locally or otherwise. Proposal contrary to Local Plan as well as NPPF.

Halfway House, Buck Horn Oak, Surrey (224) (2015) 3131122

Loss of non-designated heritage asset would be contrary to local and national policy.

Allowed Appeals

Crown, London SE17 (166) (2011) 2143911

Status as heritage asset limited – only on emerging Local List (and could have been demolished under PD rights anyway)

ADVERSE EFFECT ON TOURISM

Dismissed Appeals

Beech Hotel, Minehead, Somerset (117) (2007) 2044037

Tourism use would be lost; appearance would harm tourism character of the conservation area.

Sealawns Hotel, Ogmore by Sea, Glamorgan (121) (2006) N/K

Unacceptable loss of important community and tourism facility. Only hotel in area with sea views.

Unnamed Hotel, West Sussex (41) (DCS 31730057)

Appraisal of commercial viability of existing business had serious shortcomings. Loss would damage tourist potential of town.

URBAN PUBS

Dismissed Appeals

Sun & Harrow, Ware, Herts (84) (2009) 2091022

In residential part of town with centre in easy walking distance – but pub still a community facility for its area. Good local policy.

Sebright Arms, London E2 (65) (2010) 2128582/2128577

Local policy supportive (see 4.1.1)

Wheatley, Ben Rhydding, W Yorks (3) (2006) 1168158/1168157

Suburban location. Pub served local community so loss would be detrimental.

Unnamed Pub, Farnham, Surrey (8) (DCS 38364022)

On outskirts. Loss would undermine provision of local leisure facilities. No proper marketing.

Harvest Home, Denmead, Hants (26) (2000) 1024802

Town of 6500 with four other pubs. Accepted that each had a different function and served a different client base.

House of Windsor, Witney, Oxon (57) (2004) 1138663

Some other pubs very close to appeal site. "Different pubs serve different market niches". Other pubs in area might not provide an acceptable alternative. Loss of useful community facility. No evidence not viable.

Rose & Crown, Henley-on-Thames (184) (2014) 2222161

Pub **not** an essential community facility **but** loss would harm the vitality and viability of the town centre.

Allowed Appeals

Crown, London SE17 (166) (2011) 2143911

Lack of local pub protection policy (pre-NPPF)

PROPOSALS WHICH WOULD REDUCE SIZE OF PUB

Dismissed Appeals

Chamley Arms, Warcop, Cumbria (71) (2010) 2131392/2131065

Only pub in village. Loss of floor area would diminish ability to function as a local community facility. Also not marketed properly.

Kings Head, Pulham St Mary, Norfolk (115) (2008)
2043336/2045725/2049926

Dismissed mainly on other grounds. Inspector unclear whether pub would be seriously compromised by reduction in size.

Chequers, Box, Wilts (15) (2003) 1098049/1098050

Reduced area likely to make pub non-viable. Loss of pub would be harmful to village.

Bull Ring Inn, Kingstone, Herefordshire (159) (2013) 2183572

Proposal to build on part of car park. Refused on grounds that this would undermine the viability of the pub. Inspector held that para 70 of NPPF requires an inherently proactive approach to sustaining community assets i.e. beyond just retention. He therefore dismissed the appeal.

Rivers Arms, Cheselbourne, Dorset (164) (2013) N/K

Proposed conversion to holiday cottage and cafe-bar. Latter described as “trojan horse” which would prove unviable and bring pressure for conversion to residential.

Le Columbier, London SW3 (170) (2013) 2199870

Premises a restaurant, not a pub but still held to be a community facility. Development would reduce trading area therefore reduce level of community services.

Quart Pot, Milton-under-Wychwood (188) (2015) 2226134

Loss of garden and car park would mean loss of community facilities plus reduce viability of the pub.

Sir Richard Steele, London NW3 (189) (2015) 3003396

First floor function room and beer garden accepted as community facilities whose loss would undermine the value of the A4 use.

John Jackson, Wallington, Surrey (206) (2015) 3005475

Dismissed largely because of harm to character and appearance of building.

White Swan, Hunmanby, North Yorks (213) (2015) 3007922

Proposals would mean loss of car park and beer garden. Accepted they have potential to assist in the development of the facility for the benefit of the community and their loss would remove that potential.

Admiral Mann, London N7 (232) (2016) 3147248

Proposed to convert upper floors to residential. Ability to provide food removed so would no longer serve needs of local community. Also adverse impact of pub activity on residents of new flats. ACV listed.

Allowed Appeals

School House Inn, Low Marishes, N Yorks (155) (2012) 2175621

Consent granted for part of building to become a house but retaining a small pub with accommodation – sufficient, in the Inspector's view both to be viable and able to provide a community facility.

PUBS CLOSED FOR A LONG TIME

Dismissed Appeals

Dodford Inn, Dodford, Worcs (102) (2009) 2084864

Pub had been closed for two years. No other pub in village. Would be loss of important local facility. Closure period considered irrelevant.

Black Horse, Tilshead, Wilts (106) (2008) 2057816

Pub closed for nearly two years and now partly in residential use. Proposal in conflict with Local Plan and non-viability unproven.

White Horse, West Wickham, Cambs (112) (2008) 2057840

Closed for three years but remained a potentially important community facility.

Bulls Head, Adisham, Kent (185) (2015) 2215119

Pub closed for many years. Little reason to expect re-use as a pub would be viable **but** no evidence that use of the site as a community facility is not required.

Bishops End, Burdrop, Banbury (193) (2015) 2227213

Closed for eight years, though re-opened briefly. Claim of change of use to A1 rejected. Enforcement action against unauthorised residential use. Previous appeal (2190714) in 2013 also dismissed.

Rivers Arms, Cheselbourne, Dorset (221) (2016) 3006600

Closed 2008. Evidence of pub being run down by last owner. Reasonable offers rejected. Unsatisfactory marketing and non-viability unproven. No reason why a pub should not flourish in this location.

Allowed Appeal

Old Bell, Marham, Norfolk (39) (2004) 1138274/1148709

Pub closed for eight years. Village of 1000 with social club. Evidence produced that refurb cost would exceed sale price of nearby pubs on market. Length of closure made loss of existing community facility difficult to argue.

Toby Inn, Brighton (200) (2015) 3009190

Pub closed for nine years. Objections mainly to proposed new use as a hostel. Accepted no loss of community facilities.

Lions Head, Winterton, North Lincs (208) (2015) 3005221

Long closed and now semi-derelict. No local opposition. Development would enhance appearance of area.

PUB ALREADY DEMOLISHED

Allowed Appeal

Cross Guns Inn, Codsall Wood, Staffs (178) (2013) 2199923

Council claimed proposals contravened local policy on retention of community facilities. Inspector held that seeking to impose policy when the building housing the facility had completely gone was unreasonable. The site had been left with no use.

EFFECT ON VITALITY OF AREA

Dismissed Appeal

Bull, Sittingbourne, Kent (62) (2005) 1141923

Inspector considered that change to “amusement centre” would have a deadening effect in the evening, causing great harm to vitality of area.

ESTABLISHMENT OF NEW PUB

Allowed Appeals

King Street, Carmarthen (17) (2001) N/k

Conversion of shop to (Wetherspoons) pub in town centre would enhance vitality of town, even though area designated mainly for shopping.

Former Bank, Wirral (46) (DCS 41717746)

Conversion to wine bar would cater for older customers wishing to relax without loud music so amenity of local residents not undermined.

Listed Shop, Aberdeen (47) (DCS 33774139)

Change to cafe-bar would not result in increased noise or disturbance given large number of other licensed premises in vicinity.

Nottinghamshire Village (127) (2011) N/K

Erection of local village pub with restaurant allowed; noted PPS4 regarding deficiency of local facilities.

PUBS IN REMOTE LOCATIONS OR SMALL SETTLEMENTS

Dismissed Appeals

Travellers Rest, Stowe Green, Gloucs (91) (2010) 2124023

In very small hamlet, but still facility for local community.

School House Inn, Low Marishes, N Yorks (92) (2010) 2125456

Served by single-track road with passing places and with small local catchment area.

Newtown Inn, Lower Eggleton, Herefordshire (167) (2013) 2198409

Only a scattering of houses within walking distance but on busy road. Inspector felt had potential as 'destination venue'.

Fountain Inn, Orcop, Hereford (201) (2015) 3063801

In scattered settlement of 61 dwellings. No evidence that couldn't be viable – marketing generated a lot of interest.

Merrymouth Inn, Fifield, Oxfordshire (217) (2016) 3137173

Located on A424 about half a mile from small settlement. No evidence of meaningful marketing at a reasonable price or of non-viability. Relevant policies do not “merely cover facilities within a settlement” but cover all local services and facilities.

Allowed Appeals

Gate Inn, Lee Gate, Bucks (80) (2009) 2109741

Only a pub since 1960s. Isolated rural location. No loss of community facility.

House Inn, East Ferry, Lincs (128) (2010) 2132450

Village of only 42 dwellings. Non-viability demonstrated. Sufficient marketing carried out.

Bull Inn, Weston under Weatherley, Leamington Spa (207) (2015) 3005452

In area of scattered development. Criteria for allowing change of use met – no other users willing to buy or manage it. Little local protest.

CUMULATIVE HARM RISK

Dismissed Appeals

Rushton Inn, Rushton Spencer (75) (2008) 2071809

Accepted that if pub allowed to close, resistance to further applications involving loss of local facilities would be harder.

Dodford Inn, Dodford (102) (2009) 2084864

Post Office and filling station already gone. Although parish hall remains, danger of cumulative erosion of facilities, threatening sustainability of village community.

RUNNING DOWN OF PUB

Dismissed Appeals

Red Lion, Sheringham (66) (2010) 2116106

Leaving a pub vacant could not be adduced in evidence on viability/need as it would open a loophole to achieve change of use and encourage others to do the same.

School House Inn, Low Marishes (92) (2010) 2125456

Distinction drawn between a facility which is no longer viable and a business that becomes no longer financially viable when running the facility i.e. the latter is the fault of the person running the business.

PUB CLAIMED NOW TO BE A RESTAURANT (A3)

Dismissed Appeal

Plough, Shepreth, Cambs (134) (2012) 2167619

Claimed that local and national pub protection policies should not apply as had operated as a restaurant for seven years. Inspector regarded this view as “too narrow and simplistic” and, if accepted, would be a way to circumvent policy.

Royal Standard, Cambridge (148) (2012) 2174210

Had closed as a pub five years previously and been used as a restaurant for first four years. Inspector agreed with conclusions of colleague in the Plough appeal above and found that the premises remained a community facility.

PUBS TO SHOP CONVERSIONS

Dismissed Appeals

Golden Harp, Maidenhead (174) (2013) 2198227

Seven appeals, of which four dismissed. All concerned with ancillary matters and, in three cases, alternative scheme approved – only that for hardstanding fully dismissed.

Porcupine, London SE9 (183) (2014) 2217362

Appeal dismissed mainly on traffic safety grounds. Disturbingly, the Inspector regarded shop and pub uses as having equivalent community value.

Allowed Appeals

Oak Inn, Leamington Spa (171) (2013) 2188876

Proposals represent sustainable development under NPPF with no detrimental effect on vitality and viability of other areas. No objections had been raised to loss of pub.

Golden Key, Ipswich (173) (2012) 2174644

Had been refused on traffic grounds. No material harm to highway safety proven.

Victoria & Albert Inn, Seaton Deleval (176) (2014) 2197910/13/17

Previous appeal dismissed on traffic grounds. Revised scheme “would not impair safety of pedestrians or motorists”

Ashwood Inn, Wordsley, Dudley (246) (2016) 3137153

Main issues effect on existing convenience stores and highway safety.

Maypole Inn, Halesowen, Dudley (247) (2016) 3137157

As for 246. ACV listed but loss of valued service not considered a main issue.

Summer House, Tipton, Dudley (245) (2016) 3138401

Main issues effect on character and appearance of area and highway safety.

LOSS OF ANCILLARY ACCOMMODATION

Chesham Arms, London E9 (182) (2014) 2209018

Enforcement notice appeal. Accepted that allowing the upstairs accommodation to become self-contained flats “would probably result in the pub use not resuming in the building as a whole”.

WIDER COMMUNITY USE ISSUES

Dismissed Appeals

King Edward V11, Rushden (199) (2015) 3009746

No local objections and accepted that continued use as a pub may no longer be needed, but scope for use in connection with other community facilities not explored.

New Inn, Priddy, Somerset (194) (2015) 3028948

Another pub within 200 yards. However, not demonstrated that there is no likelihood of a viable community use being found, which is the relevant policy test.

Allowed Appeals

Three Horseshoes, Brotherton, Selby (195) (2015) 3011293

New use as a gym considered to be an acceptable alternative community use, despite there being no other pub in the village. Scheme would contribute to local economy.

REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

Former Top o'the Morning, London E9 (226) (2016) 3136877

Appeal against condition that part of new building on former pub site be used only for A4 purposes. LPA was justified in removing PD rights to preserve the community facility in line with local plan policy.

PUB USE ALREADY CHANGED

Allowed Appeals

Former Bull Inn, Thorpe Morieux, Suffolk (239) (2015) 3006718

Claimed that use had changed to a bric-a-brac shop – whether that had actually happened not a matter for the Inspector to determine. Loss of A1 use to residential would not be an unacceptable community loss.