

Appeal Decision

Hearing Held on 12 November 2019

Site visit made on 12 November 2019

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2020

Appeal Ref: APP/Y9507/W/19/3225616

The Rose Cottage, The Village, Alciston BN26 6UW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Keith Medhurst against the decision of South Downs National Park Authority.
 - The application Ref SDNP/18/05264/FUL, dated 10 October 2018, was refused by notice dated 1 February 2019.
 - The development proposed is change of use from public house to single residential dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of the application, the South Downs Local Plan (LP) was formally adopted by the Authority on 2 July 2019. The policies contained within this document supersede the policies of the Wealden District Local Plan (1998) and the Wealden District Joint Core Strategy (2013). I have therefore determined the appeal in accordance with the most relevant and recently adopted policies. The parties have had the opportunity to comment on these as part of the appeal process.
3. The National Planning Policy Framework (the Framework), which was revised in July 2018, was subsequently updated on 19 February 2019. References to the Framework within this decision relate to the latest version published in 2019.

Main Issues

4. The main issues are:
 - Whether the proposal would be acceptable, having regard to the effect on the provision of local community facilities; and
 - Whether the proposal would preserve or enhance the character or appearance of the Alciston Conservation Area.

Reasons

Community facility

5. The Rose Cottage is a long-established public house, which includes residential accommodation at first floor level. The appeal site benefits from a car park and

a large garden situated to the rear of the main property. Additionally, there is a two-storey building subdivided into two self-contained units to the rear of the car park and two outbuildings to the side of the public house, which are used for tourist accommodation. The public house lies prominently at the heart of the small village of Alciston within the South Downs National Park. Other than the church, it is the only community facility in Alciston.

6. LP Policy SD43 seeks to resist the loss of community facilities such as public houses, unless a robust marketing campaign of at least 24 months clearly demonstrates that there is no market demand for the existing use or an equivalent community use. Policy SD43 is supplemented by Appendix 3 to the LP, which sets out further details in respect of the marketing requirements for change of use applications. LP Policy SD23 seeks to foster the responsible delivery and recreation development within the National Park. These policies reflect the aspirations of the Framework, which seek to retain and develop accessible local services and community facilities such as public houses to support a prosperous rural economy¹, notably through the attraction of visitors.
7. In March 2016, the appellant acquired the public house as a going concern for £650,000, which included goodwill and the inventory of trade furniture, fixtures, fittings and effects. The appellant indicated that he did not initially seek to make significant changes to the way the business was operating. The public house closed in June 2017 and reopened in March 2018, following refurbishment of the bar area, and conversion of the dining area into a bed and breakfast room. The private accommodation located above the public house premises has also been subject to significant improvements. Although the pub is presently closed, it is considered to be a potential and valued asset to the local community, notably by reason of its designation as an Asset of Community Value (ACV) and the number of representations expressed by local residents.
8. The freehold of the Rose Cottage was firstly marketed from December 2016 at a price of £900,000, when the public house was still trading. The guide price was subsequently reduced on several occasions, and is currently advertised for offers in the region of £750,000. At the Hearing, the appellant indicated that he had rejected two offers, but accepted an offer for £750,000, which was subsequently withdrawn when the Rose Cottage became listed as an ACV. The premises have been marketed for more than 24 months, in accordance with the requirements of LP Policy SD43, and by three distinct agents. The marketing of the premises included the preparation of sales particulars and emails, as well as advertising on property websites and trade publications.
9. There is however no marketing report and limited information before me to confirm how the asking price was arrived at, for example in the form of a valuation carried out by a suitably accredited professional. There is no robust evidence which demonstrates that the price being sought represents a realistic value of the business in the current market. It is likely that the asking price could have dissuaded potential offers from prospective purchasers interested in operating the premises as a public house.
10. Although the Rose Cottage appears to have been marketed for a considerable period of time, I am therefore unable to come to the view that the premises have been subject to a robust marketing exercise that clearly demonstrates

¹ Paragraph 83.

that there is no demand for the existing use or an equivalent community use, particularly by reason of the lack of marketing report and substantive evidence in respect of the asking price.

11. Bruton Knowles were commissioned by the Authority to assess the appeal premises' viability as a public house and to confirm whether the asking price for the property was realistic. As well as an external and internal inspection of the property, Bruton Knowles had access to historical trading information for the public house, provided as part of a previous viability assessment carried out by Vail Williams, but also accounts in relation to the business run under previous ownership and by the appellant. Although the appellant questions the accuracy of the accounting information produced by the previous owner, this is not substantiated by concrete evidence.
12. The assessment carried out by Bruton Knowles concluded that the premises remain 'borderline' viable in their current state, and are capable of providing a reasonable return on an owner-operator basis. It however raised a number of concerns which could explain the difficulties experienced by the appellant, notably in respect of staff costs. Additionally, the report makes it clear that the closure of the public house is affecting its value, which is currently noticeably lower than the purchase price.
13. The appellant has identified a number of elements to explain the difficulties he has experienced since acquiring ownership of the Rose Cottage, such as the site's lack of prominence on a main road and the competition from other public houses located within relative proximity. However, these factors did not prevent the previous owner from operating the appeal premises successfully and would have been known to the appellant when he purchased the public house.
14. Whilst the submissions and representations made at the Hearing have referred to a number of public houses locally which are experiencing difficulties or have closed in recent years, I have also heard that others, such as the Barley Mow and the Ram, are operating successfully. I am therefore not certain that the success or failure of other businesses in the locality can be relied upon as evidence of viability of the appeal premises as a public house.
15. It is also argued that the viability of the business was affected by the loss of a car parking area which, until September 2016, was used as an overflow car park. The appellant and the owner of the grassed area did not reach an agreement, and the use of the overflow car park subsequently ceased. Whilst this may be regrettable, I understand, from the representations made during the appeal process and at the Hearing that this area was only used as an overflow car park on an occasional basis in the summer months.
16. Other options to increase the car parking provision for the public house and the associated costs were discussed at the Hearing, but limited evidence is before me to demonstrate that the capacity of the existing car park prejudices the viability of the appeal premises, particularly as on-street parking is also available along the main road.
17. In reaching these conclusions, I have had regard to the appeal decisions which have been referred by the main parties. These include an Inspector's decision²

² APP/P0240/W/18/3207772.

to allow the change of use of a public house to residential accommodation in a rural area. However, the circumstances of this particular case are not considered directly relevant to the proposal before me, not only in respect of the marketing exercise and viability evidence, but also location and development plan policy. In any event, I am required to assess the appeal scheme, based on its individual planning merits.

18. I appreciate that the appeal premises lie within a small village, where passing trade may be limited, but this applies to many public houses across the country located within a rural setting. The appellant argues that the public house was not supported by local residents when it was still open. Yet, I was provided with evidence of a booking which was made by local residents, and was subsequently cancelled by the appellant. By reason of the small size of the village, it is accepted that the public house could not anyway solely rely on local patronage, but also needs to be supported by visitors.
19. In that regard, I note that the Visitor Accommodation Review published by the Authority in December 2014³ identifies clear prospects for future growth in the demand for inns/pub accommodation establishments. The proposal would only marginally increase the level of tourist accommodation on-site, whilst resulting in the loss of the public house, which represents a key tourism draw and asset to the economy of the village and the National Park. Additionally, the loss of the public house could on the longer term affect the attractiveness of the serviced accommodation currently provided on-site.
20. Although I accept that the public house market generally is a difficult one in which to operate, I am not convinced that, having regard to the evidence before me, the Rose Cottage has been subject to a robust marketing exercise, which clearly demonstrates that there is no market demand for the existing use or an equivalent community use. Despite the provision of serviced accommodation, the proposal would result in the loss of a valued community facility, which is also considered to represent a key tourism draw and asset. It would conflict with the duty of the National Park to seek to foster the economic and social wellbeing of its local communities. For these reasons, the proposal would not accord with LP Policies SD23 and SD43, as well as the Framework and the second statutory purpose of the National Park.

Heritage

21. The appeal property is a Grade II Listed Building located within the Alciston Conservation Area (CA), which draws much of its character from its rural setting and collection of attractive buildings. Situated prominently along the main road running through the village, the Rose Cottage makes a positive contribution to the wider Alciston CA. At the Hearing, interested parties confirmed that the public house is a valued community facility, which contributes to the vibrancy of the village, by providing a focal point not just for local residents, but also visitors to the National Park.
22. Whether or not it was originally built as such, the Rose Cottage is a long-established public house, which forms part of the historic and cultural heritage of Alciston. Its contribution to the CA would nevertheless be diminished as a result of the proposed change of use, particularly as the level of activity associated with the proposed tourist accommodation would be limited,

³ This document informed the preparation of the now adopted South Downs Local Plan.

- compared with that of a public house. The proposal would also have an adverse effect on how the CA would be experienced. Additionally, the enjoyment of the listed building would be lost to a large extent as a result of the proposal, notably as it would no longer be a publicly accessible building.
23. The proposal would cause less than substantial harm to the CA, but it would nevertheless still be significant, particularly by reason of the importance of the appeal building within this designated heritage asset. In such circumstances, paragraph 196 of the Framework requires the harm to be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use⁴.
24. The proposal would bring back into use parts of the building which are currently vacant and could help securing the retention of this designated heritage asset in the long term. It is also argued that there are other public houses within proximity to the appeal site. Furthermore, some of the paraphernalia associated with the public use, including some outbuildings and the extraction system, could be removed from the site.
25. Against that, the positive contribution to the local economy which would derive from the proposal and the social benefits, particularly for residents of the village, would remain limited. Furthermore, little information has been submitted to demonstrate that the proposal would constitute a viable proposition. On this basis, I am unable to come to the view that the proposal would represent the optimum viable use for the appeal building.
26. The limited benefits resulting from the proposal would not outweigh the harm which I have found to the cultural heritage of Alciston and the significance of the CA. Consequently, the appeal scheme would not conserve heritage assets in a manner appropriate to their significance, contrary to paragraph 184 of the Framework. For these reasons, the proposal would not preserve or enhance the character of the CA and would thus conflict with LP Policies SD12 and SD15, which seek to protect designated heritage assets, as well as the first statutory purpose of the National Park, by failing to conserve and enhance its cultural heritage.

Other Matters

27. The proposal before me solely seeks consent for the change of use of the Rose Cottage. As the appeal scheme does not include any external or internal alterations to the building, no specific concerns were raised by the Authority in respect of the effect of the proposal on the significance of this Grade II Listed Building, and there are no reasons for me to take a different approach. Whilst the Authority expressed reservations in respect of the internal works that may be required to enable the change of use, these would need to be assessed as part of a separate Listed Building Consent application, if required.
28. The appeal site lies within the South Downs National Park. Paragraph 172 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to landscape and scenic beauty. Given that the proposal relates to an existing building located within the built

⁴ Planning Practice Guidance – Historic Environment (Paragraph: 015 Reference ID: 18a-015-20190723).

envelope of the village, I am satisfied that the proposal would preserve the landscape and scenic beauty of the National Park.

Conclusion

29. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Keith Medhurst	Appellant
David Collins	Planning Consultant, Collins Planning Services Limited

FOR THE AUTHORITY:

Stella New	Senior Planning Officer, South Downs National Park Authority
Robert Ainslie	Development Manager, South Downs National Park Authority
Angus Jackson	Chartered Surveyor, Bruton Knowles

INTERESTED PERSONS:

Sandy Thomas	Chair of Alciston Parish Meeting
Ann Howard	Local resident
Alastair Deighton	Estate Manager, Firle Estate
Geoff Watkins	Former chairman of Alciston Parish Meeting
Derek Reid	Friend of the South Downs – South Downs Society

DOCUMENTS

- 1 Quote from Hedges Driveways Limited
- 2 Copy of Appeal Decision ref. APP/Y9507/W/19/3229374
- 3 List of reviews on Booking.com - Extracts