



Appeal Decision

Site visit made on 7 January 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2020

Appeal Ref: APP/V3120/W/19/3237812

The Hatchet Inn, Childrey, Wantage OX12 9UF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ian Shaw against the decision of Vale of White Horse District Council.
 - The application Ref P19/V1256/FUL, dated 21 May 2019, was refused by notice dated 27 August 2019.
 - The development proposed is for change of use of public house (A4) from drinking establishment to C3 dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. My attention has been drawn to the adoption of the Vale of White Horse Local Plan 2031-Part 2 on 9th October 2019. As a consequence, policies CF1 and CF5 of the Vale of White Horse Local Plan 2011 do not now form part of the development plan. I have therefore determined the appeal on this basis.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposed change of use would result in the permanent loss of a valued local facility;
 - Whether or not reasonable efforts have been made to maintain a viable business; and
 - Whether the business has been marketed at a reasonable value and on appropriate terms.

Reasons

Background

4. The Hatchet Inn is situated on the main street within the village of Childrey, which is located about 3 miles west of Wantage on the B4001. The Hatchet Inn is the only public house in the village. The other facilities in Childrey include a village shop/cafe, village hall, a playing field and pavilion, Ridgeway Primary School and two churches.

5. The Hatchet Inn is located in a prominent location within the village, being at the junction of Stowhill, High Street, Hollow Way, West Street and Dog Lane. The pub is a Grade II Listed Building and comprises of a large, detached, two-storey, stone-built building. Immediately to the front of the building is an area of hardstanding, to the east is a surfaced car park, beyond which is a large, beer garden.

Whether the proposal would result in the loss of a local facility

6. The Hatchet Inn is the only public house in the village. The public house ceased trading in April 2016, and since this date the former landlords of the pub have continued to occupy the associated first floor living accommodation.
7. On the matter of whether it is a valued local facility, the evidence before me shows that a reduction in patronage, competition from other pubs in nearby villages, and the loss of local village sport teams are some of the reasons cited for the decline in the viability of the business. On the other hand, the large number of representations from local residents highlight the local value of the public house, prior to its closure. I note that the appeal site is registered as an asset of community value. Whilst the exact reasons for the decline of the business is difficult to quantify, I nonetheless find that cumulatively, there are a number of strong markers that indicate the Hatchet Inn should be regarded as a valued local facility.
8. On the basis of the information before me, I therefore conclude that the appeal proposal would result in the loss of a valued local facility to the detriment of the social and economic well-being of the community. The proposal, in this regard, would therefore be contrary to Policies DP8 (Community Service and Facilities) and DP9 (Public Houses) of the Vale of White Horse Local Plan 2031 - Part 2 and government guidance contained in the National Planning Policy Framework (the Framework).

Whether or not reasonable efforts have been made to maintain a viable business

9. It is well documented that the economic conditions for rural pubs are challenging and the viability of such businesses often rests on a combination of good management, a diverse offer and their location. The appellants purchased the business in 1993 and operated the pub until it closed in April 2016. Recent turnover figures show an annual decline in income over the period 2012-2016. Explanations for the recent losses are disputed by the parties, however in broad terms it would appear that they are as a result of a decline in the value of sales rather than significant increases in costs or outgoings.
10. The listed status of the building is highlighted as limiting the potential to diversify the operation of the pub. There is however little evidence before me to support this argument and no applications have been submitted for improvement works to test this. Despite being empty for over two years the interior of the pub generally remains as was when the business ceased trading. Although some improvement work, such as re-painting, would be required to the external appearance of the building to improve its attractiveness, I have not seen any evidence to suggest that this could not be carried out in a manner that would preserve and enhance its listed status.
11. Representations have drawn my attention to the rejuvenation of the village shop, which, following the loss of the Post Office franchise faced an uncertain

future, but now operates as shop/café, with a particular offer that has been tailored to the village needs. This evidence persuades me that a new operating model could create a viable future for the public house, which would provide tangible social and economic benefits for the local community.

12. There is no evidence to suggest that the current owners have attempted any alternative approach to the operation of the business or prepared a business plan to address the reduction in turnover. On the contrary, representations from local residents suggest that the business had started to operate at reduced opening hours. It is difficult to quantify what effect this could have upon turnover, but it is likely to have reduced the level of income for the business and thereby reducing the amount that could be re-invested.
13. Whilst Childrey is a rural community with a relatively small population to support the pub, I do not find it to be an isolated location. The Hatchet Inn lies in an accessible location within the village on a road that links a number of larger settlements. The village itself is also well served by facilities, which in their own right will generate vehicular trips and associated activity. This adds to my view that there is a realistic prospect of creating a viable pub enterprise at the appeal site.
14. I therefore conclude that the appellant has not sufficiently demonstrated that a viable public house business could not be operated from the Hatchet Inn premises. As a result, the proposal, in this regard, would therefore be contrary to Policies DP8 and DP9 of the Vale of White Horse Local Plan 2031 - Part 2 and government guidance contained in the Framework.

Whether the business has been marketed at a reasonable value and on appropriate terms.

15. The adopted development plan policy requires proposals to demonstrate '*that all reasonable efforts have been made to sell or to let the property as a public house on the open market at a realistic price*'. The Framework refers to the "*unnecessary loss*" of valued facilities in rural communities. A reasonable marketing exercise is a well-established and proportional mechanism to ensure the avoidance or prevention of the loss of a facility. In this case the marketing was undertaken since June 2018. The business was offered on a to-let basis, for an initial period of 5 years. The marketing of the property attracted no significant interest.
16. The marketing period of 12 months is a reasonable period to test the market, however there is little explanation before me as to why the marketing only sought to offer the business as a to-let opportunity and why other options were not explored. There is little explanation as to why it was only offered for an initial rental period of 5 years. Given that it is acknowledged that some level of investment would be required to modernise the building and rejuvenate the offer, such a restrictive period could potentially have discouraged possible investors. Overall, I find that whilst the marketing activity covered a reasonable amount of time, it has, so far, been of a limited nature and therefore has not been sufficiently diverse to firmly conclude that the premises are not attractive as a commercial enterprise.
17. Accordingly, the proposal, in this regard, would be contrary to the development plan Policies DP8 and DP9 of the Vale of White Horse Local Plan 2031 - Part 2 and government guidance contained in the National Planning Policy Framework.

Other Matters

18. I have considered the issue of the provision of a new dwelling, however given the modest scale of development proposed, this carries only limited weight relative to the harm and the associated development plan policy conflict identified above. Further benefits have been suggested in the form of the removal of a potentially disruptive use and the avoidance of further intensification of the site. None of the other matters raised alter or outweigh my overall conclusion on the main issues.

Conclusion

19. I conclude that for the above reasons, and having taken into account all other matters raised, the appeal should be dismissed.

Adrian Hunter

INSPECTOR