



Appeal Decision

Site Visit made on 23 July 2021

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2021

Appeal Ref: APP/D1265/W/21/3276099

Sheaf of Arrows PH (formerly Rest & Welcome), Yeovil Road, Melbury Osmond, Dorchester, Dorset DT2 0NF

- 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 Mrs Theresa Roads against the decision of Dorset Council.
 - The application Ref WD/D/20/002133, dated 1 September 2020, was refused by notice dated 6 May 2021.
 - The development proposed is change of use public house/dwelling to dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mrs Theresa Roads against Dorset Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The revised National Planning Policy Framework (the Framework) published on 20 July 2021 sets out the Government's planning policies for England. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The parties were given the opportunity to comment on this matter, and I have had regard to the updated Framework in determining this appeal.

Main Issue

4. The main issue is the effect of the proposal on the provision of local community facilities.

Reasons

5. The appeal building lies immediately adjacent to the A37, and within proximity to the village of Melbury Osmond. The premises were last used as a public house, and include owner's accommodation at first floor level, but remain presently vacant. The appellant seeks to change the use of the public house into residential accommodation.
6. Policy COM3 of the West Dorset, Weymouth and Portland Local Plan 2015 (LP) seeks to prevent the loss of local community buildings and structures, unless it is demonstrated that there is no local need for the facility or that such a facility is no longer likely to be viable, and an appropriate alternative community use to meet local needs is not needed or likely to be viable. Whilst I have not been

referred to a definition of local community buildings and structures, paragraph 6.3 of the LP provides a list of such facilities, which includes cafes, restaurants and public houses. It is noted that the appeal building is not located within the centre of the village, but this not an uncommon situation in rural areas. As such, and in light of the definition provided by the supporting text to the LP, I see no reason why the appeal building shall not be regarded as a community building simply because of its location outside of the settlement.

7. As detailed within the supporting text to Policy COM3, the Council expects applicants to demonstrate that efforts have been made to retain the community facilities and that opportunities for conversion to alternative community uses have been explored. These should include details of a marketing exercise, and/or evidence of consultation with local community groups / service providers on possible alternative community uses. This approach reflects the main thrust of national planning policy, which encourages the retention and development of accessible local services and community facilities, in order to support a prosperous rural economy.
8. Despite significant investments, the appellant has been unable to operate the public house successfully, as shown notably by details of the financial accounts submitted as part of the appeal. However, and whilst the Sheaf of Arrows may not survive in the longer term when considering the known difficulties experienced by public houses, particularly in rural areas, the appellant's submissions do not clearly show that the premises are no longer or cannot be made commercially viable.
9. In particular, no details of a marketing campaign have been presented by the appellant and there is also little information before me to demonstrate that alternative community uses have been considered. Whilst I note the point made by the appellant in that regard, a marketing exercise would assist in ascertaining whether there might be others able to operate the public house in a different format, or use the premises for an alternative community purpose.
10. Limited information has also been presented by the appellant to demonstrate the level of consultation which may have occurred with local community groups and service providers. In the absence of substantive evidence to the contrary, I cannot therefore be satisfied that there is no demand either for the premises to carry on as a public house or operate as an equivalent community use.
11. Whilst the public house lies on the outskirts of a small village, this is not an unusual situation, which applies to many public houses across the country located within a rural setting. These are often used not just by local residents but also benefit from a larger catchment due to the proximity of other villages, and can be supported by tourists, particularly as in this case, the appeal premises are located prominently on a busy road, and benefit from parking facilities.
12. Although I accept that the public house market is generally a difficult one in which to operate, I am not convinced that, having regard to the evidence before me, the appeal premises are no longer viable to operate as a public house or an alternative community use. The proposal would result in the unacceptable loss of a local community facility and would consequently conflict with LP Policy COM3 and paragraph 84 of the Framework.

13. The appellant has drawn my attention to the works which could be carried out without further permission, and referred to nearby premises, although very limited information has been provided in that regard. In any event, this does not form part of the proposal before me, and can subsequently be afforded little weight in my consideration of this appeal.

Conclusion

14. There are no material considerations, which indicate that the appeal should be determined other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR