



Appeal Decision

Site visit made on 19 September 2021

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th September 2021

Appeal Ref: APP/J2210/W/20/3256375

The Chequers Inn, Stone Street, Petham CT4 5PW

- 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 Lorna Monica Sukhdeo and Daniel Taylor against the decision of Canterbury City Council.
 - The application Ref CA/19/10233, dated 6 December 2019, was refused by notice dated 31 January 2020.
 - The development proposed is for a change of use from mixed use A4/A3/C3 (public house and restaurant with ancillary accommodation) to C3 (residential).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 20 July 2021, the Government published its revised *National Planning Policy Framework* (the Framework). The Framework represents the Government's up-to-date planning policies for England and how they should be applied. Planning decisions must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is such a material consideration where it is relevant to a planning application or appeal. I note however, in this case, that the main parties have made no further comments in respect of these changes.

Main Issues

3. The main issues are:
 - whether the proposed development would result in the loss of a community facility with respect to planning policy and national policy or not, and;
 - whether the proposal is in a suitable location.

Reasons

Community facility

4. The 'Chequers Inn' is a detached public-house with a large car-park near to residential development that is located on the edge of the settlement of Petham which is approximately 6 miles distant from the city of Canterbury. Petham has a limited range of community facilities that include a village hall, a church and a primary school. In addition to these facilities, adjacent to the appeal site on Stone Street there is a holiday park on one side and a garden centre with a café/restaurant on the other. In Lower Hadres, which is around 2 miles away from the appeal site by road, there is 'The Granville' public-house which is set back from the highway on Faussetts Hill.

5. The proposal is for a change of use to the 'Chequers Inn' from a public-house to a 5-bedroom residential dwelling.
6. The 'Chequers Inn' has been a public house in Petham for many years, which from the evidence before me appears to be well regarded by some members of the local community. However, Policy QL3 of the Canterbury District Local Plan 2017, (CDLP) is clear that the Council will permit the loss of village and community facilities in the parishes, including public houses, if it can be demonstrated that; a) the use is no longer viable, the business has been marketed for 2 years with no genuine interest or there is no longer a continuing demand for the use or facility; or, b) there is alternative provision for a similar type of use within an acceptable walking distance; and c) there would be no detrimental impact on the rural character and community.
7. The Appellants purchased the 'Chequers Inn' in July 2018 for a figure ranging between £275,000-450,000. At this time, notwithstanding the relatively limited hourly-rate income that is likely to be available to a Publican, from the submitted evidence before me it appears as if the 'Chequers Inn' had been an ongoing and viable business over a number of years.
8. Nonetheless, in March 2019, following a period of refurbishment and upgrading, and whether the Appellants struggled with the challenges of pub management or not, the 'Chequers Inn' was marketed for sale with an estimated turnover of in excess of £300,000 per annum for a period of approximately 10 months. During this period the sale price was reduced from £825,000 to £725,000 and eventually to £590,000 in an effort to secure a buyer.
9. The Appellants contend that the 'Chequers Inn' had been operating at a loss during their ownership and have provided a financial statement covering a relatively short period of time in support of their case. However, while I acknowledge that the early period for any new business can be financially challenging, including the payment of regular bills, the popularity and relative financial success of the 'Chequers Inn' over many years, with supporting financial evidence dating back to 2011, suggests that the refurbished and stylish public house, would be likely to remain a sought out venue for local residents, holiday-makers, walkers on the nearby footways and bridlepaths and passers-by alike. Indeed, the size of the refurbished car-park is sufficient to accommodate many vehicles from the numerous surrounding settlements and hamlets and those passing by in pursuit of refreshment.
10. Moreover, while the holiday park business nearby has on-site catering facilities, and even if the holiday company has no recorded interest in purchasing the public-house, it is likely that from time to time at least some of the visitors to the holiday park would be interested in the alternative pub-style food and drink available at the 'Chequers Inn', who in combination with other patrons are likely to make it a viable, if not necessarily overly lucrative, business for the owners.
11. I have considered whether there are similar alternatives to the public-house in walking distance of the 'Chequers Inn' or not. As such, while accessible by foot along Chequers Hill, the facilities in Petham do not appear to offer daily refreshments, and the adjacent 'Poppies' café, while successful, has a day-time only catering provision of a quite different type to a public house altogether.

12. Moreover, although there is a public-house in Lower Hadres it can only be accessed by a well-used road without lit footways from Petham. Indeed, while I noticed at my site visit that the route by foot to the 'Chequers Inn' along the main highway is of a similar nature to 'The Granville', the distance to Lower Hadres from Petham is somewhat longer in comparison to the journey from Petham to the 'Chequers Inn', and hence likely to make the 'Chequers Inn' a more attractive option to the residents of Petham, as not only a public-house but a valued community facility and meeting place.
13. Therefore, from the evidence before me, and the likely upturn in economic activity of this type as the country recovers from Covid 19, I am not persuaded either that the 'Chequers Inn' is financially unviable, that there would be no interest in the premises, including from community groups, provided it would be promoted at a realistic market value over a sustained period of time, or that there is alternative provision for a similar type of use within an acceptable walking distance.
14. Furthermore, notwithstanding the increased business potential for 'The Granville' in Lower Hadres, the loss of this attractive and well-located public-house, that on re-opening would be likely to offer some local employment opportunities, would be in my view a detrimental loss to village-style life and its modest social vibrancy.
15. Therefore, notwithstanding the ongoing marketing of the premises, as the weight I can give to the short marketing period and financial statement is limited, and the fact that the reasoning to change the 'Chequers Inn' to a residential dwelling cannot rest on the owners' decision alone, rather adherence to the adopted Development Plan policies, I find that in respect of the community facility the proposal does not meet with the aims of Policy QL3 of the CDLP, and for similar reasons Paragraph 84 (c) of the Framework which recognises that planning policies and decisions should enable the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

Suitable location

16. The 'Chequers Inn' is sited near to a range of residential development and a holiday park. Nonetheless, the 'Chequers Inn' is located away from the centre of Petham and other nearby village type locations. As such, the larger settlement of Canterbury which has a wide range of day to day services and infrastructure in comparison to Petham, would be likely to be attractive to the occupiers of the proposed residential dwelling. Indeed, while less than ideal, it is likely that, as a consequence of limited public transport links, the occupiers of the proposed dwelling would access those services via a private motor vehicle. Nonetheless, the use of a private motor vehicle by the occupiers would be similar to the occupiers of the surrounding dwellings and properties in the nearby settlements.
17. Accordingly, the effect of one residential household accessing those services using a motor-vehicle, rather than the Publicans of the existing public-house, is likely to be very limited. I conclude therefore, notwithstanding my findings on the first main issue, that the location would be suitable for a residential dwelling.

Other Matters and overall planning balance

18. Given my findings on the first main issue, of which the loss of a community facility is not outweighed by the second main issue, it has not been necessary for me to consider the Council's concerns about the effect of the proposal on the Stodmarsh sites (Special Protection Area, Special Area of Conservation and Ramsar site).

Conclusion

19. Whilst I have found in favour of the Appellant on the second main issue, this does not justify the harm identified on the first main issue. The proposed development would conflict with the adopted development plan in respect of the first main issue, and there are no material considerations indicating a decision otherwise than in accordance with it.
20. For the reasons given above I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR