



Appeal Decision

Site visit made on 12 October 2021

by Joanna Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2021

Appeal Ref: APP/T5150/W/21/3271117

362-364 Neasden Lane North, London NW10 0BT.

- 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 Brian Greene against the decision of London Borough of Brent.
 - The application Ref 20/3869, dated 25 November 2020, was refused by notice dated 20 January 2021.
 - The development proposed is change of use of part of vacant public house to class use A2/B1a with new roller shutter to rear elevation and associated internal alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development given on the application form.
3. The Draft Brent Local Plan 2020 (DBLP) has been submitted for Examination and consultation on Main Modifications to the DBLP took place in Summer 2021. Since the application was determined, the London Plan 2021 has been adopted and the National Planning Policy Framework (the Framework) was revised on 20 July 2021. The main parties have had the opportunity to comment on these documents.

Main Issue

4. The main issue in this appeal is whether the proposed change of use of part of the public house would be acceptable.

Reasons

5. Located within designated secondary retail frontage in Neasden Town Centre, the existing public house at 362 – 364 Neasden Lane North comprises the ground floor of a three-storey, mid-terraced building. The building's upper floors house self-contained flats. There are commercial and retail uses within the surrounding shopping parade, with an accountancy firm at No 360 and a hot food takeaway located at No 366. The residential uses at upper floors and servicing for the ground floor units are accessed via Jackman Mews, which runs parallel to Neasden Lane North.
6. While the public house was historically housed in only No 362, it expanded in the 1990s to include No 364 and operated as a single public house from the two interconnected units for some time. The existing plans indicate that Nos 362 and 364 have separate bar lounges with internal access between them and a shared bar located towards the rear of the bar lounges. While separate toilet

facilities serve the two bar lounges, the existing plans show a kitchen at the rear of No 362 with related storage areas at the rear of No 364. During my site visit, it was evident that works were underway to separate the two units, with the internal linkages between the two units having been removed. The public house remains in situ at No 362, while works to No 364 have not been completed. It was not clear at the time of my visit whether the public house at No 362 had reopened, though it appeared to be in a condition suitable for reopening.

7. The application, which is the subject of this appeal, was a resubmission following the Council's refusal of a similar proposal for the partial change of use of the public house (Ref: 20/1891). The proposed development would halve the size of the existing public house by changing the use of No 364 to an A2/B1(a) use with storage to the rear accessed via a roller shutter door.
8. Policy DMP21 of the London Borough of Brent Local Plan – Development Management Policies (2016) (DMP) confirms that the Council will support the loss of public houses only under certain criteria. These criteria include consideration of viability as demonstrated by meeting marketing requirements outlined in the supporting text to the policy; the effect of the alternative use on the character and vitality of the area and the appearance of the public house; and the loss of a service of particular value to the local community. A final criterion relates to public houses registered as Assets of Community Value (ACV). As there is no evidence before me to indicate that it has been registered as an ACV, I have not addressed this criterion further.
9. DBLP Policy BHC5, as modified by the Main Modifications, recognises the importance of public houses and contains very similar criteria to those in DMP Policy DMP21. DBLP Policy BE4 looks to support strong centres and identifies that unviable secondary frontage on the periphery of town centres will be promoted for workspace, social infrastructure and residential uses.
10. Policy HC7 of the London Plan seeks to protect public houses where they have a heritage, economic, social or cultural value to local communities, or where they contribute to wider policy objectives for town centres. The policy states that applications that propose the loss of public houses with heritage, cultural, economic or social value should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future. It also outlines that development proposals for redevelopment of associated accommodation, facilities or development within the public house's curtilage that would compromise the public house use's operation or viability should be resisted.
11. The Framework refers to the need to achieve sustainable development and outlines the importance of building a strong, competitive economy, making effective use of land, achieving well-designed places, and promoting healthy and safe communities. It also highlights that decision-making should be approached in a positive and creative way.
12. The appellant has observed that the evidence should be proportional to the proposal and as only the partial loss of a public house would occur, this would deliver a more manageable and viable public house. However, it appears to me that the Council has been consistent across the DMP and the DBLP in setting out its policy requirements for public houses. These requirements are in

- harmony with the London Plan's aim to resist development that would compromise the operation or viability of a public house use.
13. Despite the Warren Anthony marketing information dated 25 February 2021, it is unclear whether the public house has been marketed locally and regionally for a 24 month period as a public house and for an alternative community facility at a price agreed with the Council following independent professional valuation. Furthermore, no information has been provided on diversification, use of a viability test such as the CAMRA Public House Viability test, public consultation, or an assessment of alternative licensed premises in the locality. Brief reference is made to two public houses housed in single retail units nearby, The Field at 249 Neasden Lane and Katie's at 350 Neasden Lane. However, no detailed analysis is offered about these premises, their facilities and community offer in comparison to the public house in this appeal.
 14. In terms of the area's character and vitality and retention of defining external fabric, the appellant has confirmed that the proposed changes to the building's frontage would be limited to a change in signage under a separate application, while the rear of the building would replace a standard door with a larger roller shutter. The Council has not raised concerns about the building's rear elevation and I concur with this view. While there is a lack of plans for the front elevation of the building, the limited external changes to the building's signage would be unlikely to have a detrimental effect on the character and vitality of the area or on the appearance of the building.
 15. No objections were made by interested parties and the Council has not raised concerns about living conditions or highway safety. I also note the challenging trading environment with some eight public houses within a quarter of a mile of the appeal site having closed in recent years. Furthermore, a reduction in the size of the public house would reduce its outgoings, including business rates and utilities, and allow for a new unit in flexible use at No 364. It is also acknowledged that other publicans and experienced pub managers directly appointed by the appellant have commented that the public house is too big and that the footfall along the retail frontage is too low to sustain a public house of the size of Nos 362 - 364.
 16. It is evident that the appellant has sought to maintain the building and to lease the public house and flats. This has proved problematic, with the lease on the public house being ended on three occasions with rent arrears, demands for payment from suppliers, and the need for the premises to be repaired and refurbished prior to re-marketing. While the public house was leased, there was also after-hours drinking and violence, with negative effects on living conditions for neighbouring residents. The Police visited the premises on several occasions to deal with disturbances and this culminated in the public house's closure in 2019 after a fight in the pool room which was housed in No 364.
 17. Notwithstanding the further information provided by the appellant following the previous refusal, it remains the case that in the absence of sufficient information, it is not possible to be certain that the proposed reduction in public house floorspace would not cause the public house to be lost in this town centre location or that there is no demand for an alternative community facility.
 18. In conclusion, it has not been demonstrated that the proposed change of use of part of the public house would be acceptable. This would be contrary to DMP Policy DMP21, DBLP Policy BHC5, and Policy HC7 of the London Plan as set out

above. The appellant has referred to paragraphs 81 and 92 of the Framework about creating conditions in which businesses can invest, expand and adapt, and promoting social interaction through for example, mixed-use developments. However, these material considerations do not outweigh my concerns about consistency with the development plan as a whole.

Conclusion

19. For the reasons given above, and having had regard to all other matters raised, the appeal should be dismissed.

Joanna Gilbert

INSPECTOR