
Appeal Decision

Site visit made on 5 January 2022

by S Leonard BA (Hons) BTP MRTPI

an inspector appointed by the Secretary of State

Decision date: 13 January 2022

Appeal Ref: APP/Y9507/W/21/3279486

The Grove Inn, Grove Lane, Petworth GU28 0HY

- 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 The Leconfield Estates, The Estate Office, Park Road, Petworth GU28 0DU against the decision of South Downs National Park Authority.
 - The application Ref SDNP/20/04081/FUL, dated 18 September 2020, was refused by notice dated 8 March 2021.
 - The development proposed is change of use to single residential dwelling and associated alterations, and replacement garaging.
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Decision

1. The appeal is allowed and planning permission is granted for change of use to single residential dwelling and associated alterations, and replacement garaging at The Grove Inn, Grove Lane, Petworth GU28 0HY, in accordance with the terms of application Ref SDNP/20/04081/FUL, dated 18 September 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following drawings: 973/01, 973/02, 973/03 Rev A, 973/04, 973/05, 973/06, 973/07 and 973/08.
 - 3) The external walls and roof covering materials in respect of the replacement garaging hereby permitted, shall be in accordance with those listed on the planning application form.
 - 4) The development hereby permitted shall be carried out in accordance with the tree protection details contained within the Arboricultural Report by Arborsense Arboricultural Consultants, Ref Soanes, dated 4 October 2020.

Procedural Matter

2. Since the refusal of the planning application, a revised version of the *National Planning Policy Framework* (the Framework) was published on 20 July 2021. I have taken this into account where relevant to my decision.

Main Issue

3. The main issue is the effect of the appeal scheme on the economic and social well-being of the local communities of the South Downs National Park (the SDNP).

Reasons

4. The appeal relates to a detached, two-storey with roof accommodation, Grade II listed building. It is located on the west side of Grove Lane, in open countryside south of Petworth.
5. The Council's statement of case explains that the reason for refusal relates to the impact of the proposal on the economic and social well-being of the local communities of the SDNP, in particular in respect of Petworth town, which is within walking distance of the site, due to a resulting loss of a public house, a use which is defined as a 'community infrastructure facility', for the purposes of Policy SD43 of the *South Downs Local Plan (2014-33) (2019)* (the Local Plan).
6. Policy SD43 seeks to protect existing community facilities that serve the local communities of the SDNP. It states that development proposals which result in the loss of such a community facility will not be permitted unless, in the case of commercially run community facilities, evidence is provided of a robust marketing campaign of at least 24 months that clearly demonstrates that there is no market demand for the existing use or an equivalent community use. The appellant has not submitted the required marketing information.
7. As such, the Council's decision is based on an existing use of part of the property as a public house. This is disputed by the appellant, who considers the use to be that of a restaurant with living accommodation over.
8. It is not for me, under a section 78 appeal, to determine the lawfulness or otherwise of the appeal site. However, I shall consider the evidence before me in respect of the use of the building, in so far as it is material to this appeal.
9. The listing description describes the property as an early 17th century house. In 1987, planning permission¹ was granted to convert it into a ground floor restaurant with residential accommodation on the first and second floors. There is no dispute between the main parties that this permission was implemented.
10. The Council has provided evidence to support its view that the most recent use was as a public house. This includes the character and appearance of the building, the business name, the presence of a small bar area with separate seating from the restaurant, Companies House listings, Premises Licence and Food Registration Form descriptions, and reviews listed on a number of websites.
11. The property was built as a dwelling, has been used as such for most of its existence, and I find that it has retained an outward appearance and structure that is clearly residential in character. The 1987 planning permission has not resulted in significant physical alterations to the building, and residential use was retained on the upper floors.
12. There appears to be no dispute between the main parties that the building included a restaurant at the time of changes to the Use Classes Order (UCO) in May 2005, since the Council's documentary evidence post-dates this. These UCO changes introduced separate Class A3 (restaurant) and Class A4 (public house) uses, so that planning permission would thereafter be required to change from a restaurant to a public house. There have been no subsequent

¹ Ref PW/00018/87

change of use approvals or lawful development certificate applications in respect of the premises.

13. The premises were vacant at the time of my site visit, and have been unoccupied since May 2020. I saw evidence that supports a previous existence of bar fittings. However, it is not uncommon for restaurants to include small bar areas, and this, in itself, does not provide conclusive evidence of public house use.
14. Taking the above factors into account, and notwithstanding the most recent business name, and information contained on various documents that do not relate to planning applications, I find that there is no compelling evidence before me to enable me to conclude that the existing use of the premises is as a public house for the purposes of the determination of this appeal.
15. Since a restaurant use is not included within the definition of 'community infrastructure facilities' for the purposes of Policy SD43, I therefore find that there is no requirement for the appellant to undertake the marketing requirements of Policy SD43, and that there is no cogent evidence that the proposal would conflict with the policy aim of protecting existing community facilities.
16. My view is reinforced by a lack of evidence before me of any third party or Town Council objections to the proposal, which could reasonably be expected where the loss of an existing valued community facility is proposed.
17. For the same reasons, I find no conflict with Local Plan Policy SD1, in so far as this policy seeks to foster the economic and social well-being of the local communities within the National Park.
18. This is generally consistent with Chapter 8 of the Framework which seeks to promote healthy and safe communities.
19. The Council's reason for refusal also refers to Local Plan Policy SD23. This policy specifically relates to sustainable tourism, and it seeks to foster the responsible and sustainable delivery of tourism and recreational development, and prevent the loss of visitor accommodation, visitor attractions and recreational facilities. Since the premises are not a recreational facility, I do not find this policy to be directly relevant to my determination of this appeal.

Other Matters

20. The Council has raised no objection in respect of the impact of the proposal on the heritage asset of the listed building. The proposed internal and external alterations to the building benefit from listed building consent². However, I have a statutory duty, under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the garaging element of the development upon this designated heritage asset.
21. The Council has not found any harm to the setting and any features of special architectural or historic interest of the listed building as a result of the proposed removal of the existing garage and its replacement with a new garage. Neither do I, on the basis of the scheme details and my site visit.

² Ref SDNP/20/04082/LIS

22. The existing garage is a modern structure and is of no particular architectural merit. The replacement structure would be of a design which is appropriate to its rural location. It would be positioned further back from the site frontage in a less visually prominent position, when viewed from the public realm, than the existing building. It would also remain an appropriate distance away from the listed building, and would be of scale appropriate to a domestic outbuilding, such that it would retain a subservient relationship with the main property, and would not visually compete with it. As such, the significance of the listed building would not be harmed.

Conditions

23. I have considered the Council's suggested conditions in accordance with Paragraph 56 of the Framework and the national Planning Practice Guidance. Where necessary I have amended them and added additional conditions.
24. In addition to the standard implementation condition (1), it is necessary to define the plans in the interests of certainty (2). Conditions are also necessary to ensure appropriate materials for the replacement garage (3), and the protection of some trees within the vicinity of the new building (4) in the interests of the character and appearance of the area and the listed building setting.

Conclusion

25. For the reasons given above, I conclude that the appeal should succeed, and planning permission be granted subject to conditions.

S Leonard

INSPECTOR