



Appeal Decision

Site visit made on 10 January 2022

by David M H Rose BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2022

Appeal Reference: APP/B3030/W/21/3279888

The Spread Eagle Public House, Cauntton Road, Hockerton, NG25 0PL

- 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 and Mrs Tom Rose¹ against the decision of Newark & Sherwood District Council.
 - The application Reference 21/01224/FUL, dated 25 May 2021, was refused by notice dated 26 July 2021.
 - The development proposed is described as 'Change of use from Public House (Sui Generis) to dwelling (C3)'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the loss of the public house would have an adverse effect on the social vitality of the village of Hockerton.

Reasons

3. Spatial Policy 8 of the Newark and Sherwood Amended Core Strategy (Adopted March 2019) states: 'The loss of existing community and leisure facilities² through new development requiring planning permission will not be permitted, particularly where it would reduce the community's ability to meet its day-to-day needs, unless it can clearly be demonstrated that:
 - its continued use as a community facility or service is no longer feasible, having regard to appropriate marketing, the demand for the use of the site or premises, its usability and the identification of a potential future occupier; or
 - there is sufficient provision of facilities in the area; or
 - that sufficient alternative provision has been, or will be, made elsewhere
4. As a precursor, it should be noted that the Council does not dispute the appellants' evidence that the business has become commercially unviable, irrespective of the difficulties experienced by the sector arising from the COVID-19 pandemic. Similarly, no point is taken on the evidence that there are at least 26 public houses serving food and beverages within a fifteen minute drive from Hockerton (excluding those within Newark-on-Trent).

¹ Despite sharing a surname, the Inspector confirms that he is not related to, or has knowledge of, the appellants

² Paragraph 4.57 of the supporting text confirms that the policy applies to a range of community facilities including public houses

5. The nub of the dispute is the second bullet of the policy and the interpretation of the words 'in the area', and whether the first bullet is engaged subsequently. The explanatory text relating to the policy does not assist.
6. For my part, the policy has to be read as a whole on its common meaning. In this regard, the words 'in the area' cannot be divorced from the words 'the community's ability to meet its day-to-day needs'.
7. On this basis, it is clear that the public houses on offer, as identified elsewhere, are unlikely to provide comparable opportunity for the community to meet locally, and without the need to travel by car. Numerical provision within the wider surroundings of Hockerton does not amount to a measure of convenience or indeed likelihood of the community having a focal point for coming together on a day-to-day basis.
8. I therefore find that the proposal would conflict with the second bullet of Spatial Policy 8 and the first bullet would be engaged.
9. I acknowledge that Hockerton is a small village, albeit it is clear that there is ongoing small-scale incremental residential development. The public house also had a history of trading difficulties before the appellants took ownership in 2015 with a view to modernisation and refurbishment. The previous experience and later endeavours of the current operators are evident from the photographs and supporting information.
10. It is also said that the absence of local support led to the business becoming a destination food pub in competition with many other similar facilities in the wider locality. In addition, the lack of regular and sustained local patronage has compounded the unpredictable nature of the more transient passing trade.
11. I have had regard to the representations made at application stage and in connection with the appeal³. I note that the Parish Meeting seeks the retention of the public house for the future well-being of the community, and, by contrast, several local residents endorse the proposed change of use.
12. In my opinion, none of the factors outlined above, including the unchallenged viability report, form a sufficient basis to conclude that the continued use of the premises as a public house is no longer feasible in that the marketing required by Spatial Policy 8 has not been undertaken. In this regard, the material considerations identified do not outweigh the determination of the appeal other than in accordance with the development plan.
13. Although it is said that there is no realistic prospect of the public house becoming viable in the foreseeable future, appropriate marketing would provide an opportunity to determine whether new ownership, and potentially a different business model, might secure the re-opening of the facility. It is to be noted that, from external inspection, and the photographs provided, the premises appear to be in good order. The building is not without character, it has a prominent main road location and a visibly accessible car park.
14. Against this background, and having considered all other matters raised, I conclude that, without appropriate market testing, the proposed change of use and the resultant loss of the public house would have an adverse effect on the social vitality of the village of Hockerton.

³ Including the clarification, received on 24/01/2022, from interested persons (confirming support for the appeal)

15. The proposal would therefore be at odds with the development plan. It would also conflict with paragraph 93 c of the National Planning Policy Framework which indicates that planning decisions should guard against the unnecessary loss of valued services, particularly where this would reduce the community's ability to meet its day-to-day needs.
16. I therefore dismiss the appeal.

David MH Rose

Inspector