



Appeal Decision

Site visit made on 18 April 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2023

Appeal Ref: APP/W3520/W/22/3306727

Six Bells Inn, High Street, Gislingham IP23 8JD

- 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 A Whatling against the decision of Mid Suffolk District Council.
 - The application Ref DC/21/06315, dated 21 November 2021, was refused by notice dated 23 March 2022.
 - The development proposed is described as “applying for change of use of the Six Bells Inn Gislingham from public house to veterinary practice and pet supplies (sui generis). Business proposed to exist on the ground floor level whilst retaining the existing ancillary residential accommodation on the first floor of the building”.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the determination of the planning application, the appeal site has been declared an Asset of Community Value (ACV). The appellant has had the opportunity to comment upon this matter and has therefore not been prejudiced in this regard. It is incumbent on me to determine the appeal on the most up-to-date information and therefore it is necessary for me to include this as part of the main issue. I have therefore determined the appeal on this basis.
3. A Business Plan was submitted by the Six Bells Community Group in support of the appeal. The Council and the appellant had the opportunity to comment upon the additional information, however, interested parties have not and therefore would be prejudiced by its inclusion. I have therefore not taken this document into consideration when determining the appeal.

Main Issue

4. The main issue is the effect of the proposed development on the provision of community facilities in the area, having regard to the site comprising an ACV.

Reasons

5. Six Bells Inn comprises a detached public house with a function room to the rear and residential accommodation to the first floor. Outside there is a large car park and a small, grassed beer garden. The public house is registered as an ACV¹ and is located within the Primary Village of Gislingham, as defined by Policy CS1 of the Core Strategy Development Plan Document, adopted 2008 (CS). The premises were purchased by the appellant in October 2021. From the

¹ The public house was listed as an ACV on 8 April 2022

information before me it is unclear when the public house ceased trading, however third parties suggest that it was operating up until it was sold.

6. It is proposed to change the use of the public house to a veterinary practice and pet supplies to the ground floor and retain the first floor residential accommodation. Limited information has been provided regarding the pet supplies side of the business however, the proposed ground floor plan drawing indicates that 'retail' would be located within part of the area designated as the proposed reception area and would occupy a very small part of the overall ground floor area.
7. Paragraph 93(c) of the National Planning Policy Framework ('the Framework') states that to provide the social, recreational and cultural facilities and services the community needs, decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. A public house is a community facility and from the high volume of third party objections to the proposed change of use, I consider that it is valued within the village; a matter that is further proven by its recent listing as an ACV.
8. The appellant asserts that the public house was marketed continually from 2016 onwards. However, the information before me only provides details of the marketing that took place between July 2020 and July 2021, coinciding with Covid-19. The appellant also suggests that the village was offered an opportunity to purchase the public house in 2018 and an offer was not made. However, this has not been substantiated with evidence. During the marketing period between 2020 and 2021, the public house was marketed for sale with a guide price of £325,000, which was later reduced to £299,950. Two offers were received, one from the appellant that was successful and another that sought continued pub use. While it is stated that the offer for continued pub use was below the asking price, no information has been supplied as to the value of this offer or the successful offer made by the appellant for a comparison to be made. Furthermore, the information before me suggests that the unsuccessful offer was withdrawn due to the vendor not supplying financial information regarding the operation of the public house.
9. Gislingham has no other public houses, and there are no restaurants or cafes. It does have a village shop, but this is unlikely to provide the same social or recreational function as a public house. I acknowledge that the village has a hall in which events are held in and around the building. However, limited details about the type and frequency of these events has been provided. While alcohol can be consumed within public houses, they do not tend to be used solely for this purpose as many serve food and hold events such as quizzes and can be frequented by all ages. Consequently, from the information before me, there is no alternative provision for community facilities in the area that would have a similar local community function as a public house.
10. The appellant asserts that the previous owners considered the running of the public house to be unviable and that it was under-utilised. However, this has not been substantiated with evidence. Furthermore, third parties state that children and dogs were prohibited, food was not served and opening times were sporadic. The information before me does not suggest that the existing use as a public house is no longer viable or is incapable of being made viable. In addition, I am not persuaded that there would be no interest in the

premises, including from community groups, if the public house was marketed over a sustained period now that Covid-19 has ceased, and the relevant financial details were made available to potential buyers.

11. Public houses are available at Finningham and Thornham Magna. However, they are a significant distance from Gislingham and can only be accessed by well-used unlit roads with a 60mph speed limit and no pavement. Hence, it is likely that the Six Bells Inn would be a more attractive option to the residents of Gislingham, as it would allow patrons to walk to and from the premises, particularly in the dark and also if they were to consume alcohol.
12. I acknowledge that Gislingham does not have a veterinary practice. However, there are a number of existing veterinary practices located within 10 miles of the village. While the distances of these practices from Gislingham would likely require clients to make the journey by private car, trips to veterinary practices for a particular animal tend to be very ad hoc and limited. Furthermore, veterinary practices are not needed to meet the day-to-day needs of a local community.
13. The appellant asserts that the proposed veterinary surgery and pet supplies business would be of benefit to the local community and that the proposal would represent the replacement of one valued service with another. However, limited evidence has been submitted to substantiate these matters. Furthermore, the proposed use would be limited to those living in the community that have animals. I note that a limited number of third parties have stated they would use the proposed business however, others have stated that they would continue to use their current veterinary practice even if one was located within the village. Furthermore, inconclusive statements have been advanced regarding the capacity of existing veterinary practices.
14. I have had regard to an appeal decision at the Cherry Tree Inn, Debenham² for the change of use of an existing public house to a veterinary practice. However, at the time of the appeal, Debenham had three public houses in the village, the public house had been closed for a number of years, the marketing of the premises took place prior to Covid-19, and there was limited evidence of significant community support to retain the public house. Consequently, the appeal is not directly comparable to the appeal proposal and in any event, I must determine the appeal on its own merits.
15. In reference to the main issue, the change of use of the public house would lead to the loss of a valued community facility, an ACV, and result in a reduction in the community's ability to meet its day-to-day needs. It would therefore conflict with paragraph 93(c) of the Framework, that amongst other things, has regard to the unnecessary loss of valued facilities.
16. The reason for refusal also details conflict with paragraphs 84(d) and 93(a) of the Framework. Paragraph 84(d) states that "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". Paragraph 93(a) states that "planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses

² Appeal Ref: APP/W3520/W/18/3206315

and places of worship) and other local services to enhance the sustainability of communities and residential environments". While the proposal would not retain the public house, the appellant asserts that the veterinary practice would comprise a local service and a local shop (which has not been disputed by the Council) and therefore there would be no conflict with paragraph 84(d) or 93(a) of the Framework. From the information before me, I have no reason to come to a different view.

Other Matters

17. There is a dispute between the main parties as to the status of the Council's Retention of Shops, Post Offices and Public Houses in Villages Supplementary Planning Guidance, adopted 2004 (SPG) and the weight that should be afforded to it given it pre-dates the Framework and there is no saved development plan policy for it to expand upon. However, I have had little regard to the SPG in coming to my decision. Even if I were to take the SPG into consideration, it would not alter my findings in respect of the main issue.
18. On the opposite side of High Street is the Grade II listed building, Chart House and the adjoining former post office and shop (as named in Historic England's listing description). I therefore have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving the setting of this listed building. The building comprises a dwelling constructed circa 16th/17th century that is timber framed with some red brick and a slate roof. Attached to the dwelling is a former post office and shop. The significance of this listed building comes from its aesthetic value and its past use. No external alterations are proposed to the existing public house or to the grounds of the appeal site and therefore I do not find that the proposed development would harm the setting of Chart House and the adjoining former post office and shop.
19. I acknowledge support for the proposal from third parties. However, this does not overcome the harm I have identified in respect of the main issue. Furthermore, the level of support for a veterinary practice is far outweighed by the level of support for the retention of the public house, and I note that many of the third parties in support of the veterinary practice do not live within the village.
20. At the time of my site visit, the appeal site and the public house building were well maintained and therefore the proposal would not transform an eyesore. Even if the appeal site was in a less favourable condition, this would not lead me to a different conclusion in respect of the main issue.

Planning Balance

21. Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development which, for decision-taking, means "(d) where there are no relevant development plan policies, or the policies which are the most important for determining the application are out-of-date, granting planning permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole”.
22. The Council’s reason for refusal relies on the Framework and SPG. Therefore, there are no relevant development plan policies against which to determine the proposal, and paragraph 11(d) of the Framework is engaged.
23. The proposal does not involve a protected area as defined by Footnote 7 of the Framework and therefore part (i) is not applicable. In reference to part (ii), the proposed development would provide employment opportunities in skilled roles, as well as potential for training positions for college students and work experience for students. However, the existing use would also provide employment opportunities, and it is unclear from the information before me how the number of employment opportunities would differ between the two uses. The proposal would allow the appellants to work from home as they would reside within the first floor living accommodation. However, this would equally apply to the operation of the public house whereby the landlord/landlady could reside in the living accommodation. I therefore attach limited weight to these benefits.
24. Against these benefits is the harm that would be caused to local residents from the loss of a valued community facility, contrary to the aims of the Framework which seeks to provide social, recreational and cultural facilities and services the community needs, and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs; a matter to which I give substantial weight.
25. Consequently, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal would therefore not represent a sustainable form of development.

Conclusion

26. For the reasons given above, having regard to the development plan as a whole and all other matters raised, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR