



Appeal Decision

Site visit made on 5 July 2023

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2023

Appeal Ref: APP/P1750/W/21/3285692

The Royal Staff, 37a Mount Pleasant Road, Aldershot GU12 4NW

- 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 Raj Pandher against the decision of Rushmoor Borough Council.
 - The application Ref 21/00476/FULPP, dated 9 June 2021, was refused by notice dated 16 September 2021.
 - The development proposed is change of use from pub at ground floor to grocery shop.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A viability report has been submitted at appeal stage. This document provides further detail to the appellant's case but does not introduce any changes and the Council has responded to this content in its appeal statement. For these reasons the parties would not be prejudiced if I were to consider this information. Therefore, the appeal is assessed on the basis of this document.

Main Issue

3. The main issue is the effect of the proposed development on community facilities.

Reasons

4. The Royal Staff was a wet-led pub within a well populated residential area. It is not on the main road and does not have dedicated parking and therefore trade is likely to come from this vicinity. The local area has lower than average levels of employment, with some pockets which are within the 20% most deprived areas in England for certain domains. There are also three other pubs operating within 800m which offer comparable facilities (The Golden Lion, The Crimea Inn and the Red Lion, which also offers food). The appellants evidence details that these factors have led to the decline of the Royal Staff along with the general reduction in pub attendance as affected by economic conditions. Nevertheless, pubs are important community facilities. Indeed, this pub had also been designated as an asset of community value. Whilst, in the main, this relates to provisions for any sale of the asset, it nevertheless demonstrates that the pub was regarded to be of value to the local community.
5. Policy LN8 of the Rushmoor Local Plan 2014-2032 (2019) (LP) states that the loss of a public house will be permitted where it is proven there is no longer-

term need for the facility. The Development Affecting Public Houses' Supplementary Planning Document (SPD) provides further guidance and details both the marketing and that reasonable efforts to preserve the facility must be demonstrated.

6. In terms of the marketing evidence there is dispute as to whether the asking prices (£650,000, reduced to £550,000) are reasonable. Sidney Phillips, the chartered surveyors on behalf of the appellant, state that this is reasonable although this is unsupported by objective analysis. On the other hand the LPA have provided evidence that the nearby White Lion Pub was sold for £261,000 in 2021. And although the Jolly Sailor Pub was under offer in June 2021 for £600,000 this site had planning permission for a change of use to residential. Consequently, I do not have evidence that the valuation is appropriate.
7. The profit and loss accounts for the business demonstrate that the business has been loss making since 2016, notwithstanding that these accounts do not appear to be audited. I understand that there have been attempts to diversify during that time including quiz nights, live music, pool leagues and karaoke. Food has also been served in the past from the small trade kitchen, although this ceased due to its viability. However, I have no records as to when or for how long these were undertaken. As such, I am not satisfied that reasonable efforts have been made to preserve the public house use.
8. A Campaign for Real Ale (CAMRA) Public House test has also been submitted. CAMRA have concerns with the methodology which it describes as 'dismissive of the potential... to act as a focus for community activities and its ability to cater for different groups'. Nevertheless, I have considered the responses to the viability test in this assessment. A three year forecast has also been provided which demonstrates that the pub would be unviable. This is under its current model as a wet led pub with ad hoc theme nights. However, in the absence of detail of reasonable efforts to preserve the public house use including through diversification, alongside the high sales price, I am not satisfied that an operator could not run this as a viable pub.
9. The license of this pub was revoked for reasons including crime and disorder on the premises, and the management response to this, as well as public nuisance as a result of customers using the street rather than the designated garden area. I have no reason to think that these issues could not be resolved with effective management.
10. As such I am not provided with evidence of the type set out by the SPD that there is no longer term need for the facility. Therefore, the proposed development would have a harmful effect on community facilities. Consequently, it would be contrary to Policy LN8 of the LP and the advice in the SPD.

Conclusion

11. The proposal would not accord with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles INSPECTOR