



Appeal Decision

Hearing (Virtual) held on 25 June 2024

Site visit made on 27 June 2024

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2024

Appeal Ref: APP/J1915/W/23/3330386

The White Horse, Ware Road, Wareside SG12 7QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) as amended against a refusal to grant planning permission.
 - The appeal is made by Sotira Pilikos against the decision of East Hertfordshire District Council.
 - The application Ref: 3/22/0714/FUL, dated 13 April 2022, was refused by notice dated 16 May 2023.
 - The development proposed is described as change of use from public house (with ancillary accommodation) to single residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Listed building consent was granted on 16 May 2023¹ for internal alterations to strip out toilet facilities and the public bar at the appeal building. These works had not been undertaken by the time of my site visit.
3. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990). Also, a variety of views about heritage matters were submitted to the appeal. These included objections to the proposed change of use from the Council's Conservation and Urban Design Team², and a local resident on heritage grounds. In the light of these considerations, notwithstanding that heritage factors were not among the Council's reasons for refusal of the change of use application, it is relevant to assess heritage matters, as per the second main issue below. This main issue was discussed at the hearing.

Main Issues

4. The main issues in this case are:
 - Whether the proposal would result in an unacceptable loss of a community facility;
 - Whether the proposal would a) preserve the Grade II listed building, the White Horse Public House, or any features of special architectural or

¹ Application Ref: 3/22/0715/LBC.

² In their consultation responses dated 28 April 2022 and 5 May 2022.

historic interest that it possesses, and b) preserve or enhance the character or appearance of the Wareside Conservation Area (CA); and

- Whether the proposal would make suitable provision for sustainable transport, vehicle parking, and safe and suitable highway access.

Reasons

Community facility

Need

5. The appeal site comprises the White Horse public house building, several outbuildings, its carpark, and yard and garden areas. It is situated within Wareside parish, which has population of almost 800 people. The White Horse is a Grade II listed building dating from the late seventeenth century. It is situated in the Wareside village CA. One of two public houses in the village, the White Horse has been closed since Spring 2022.
6. Supporting text paragraphs 19.8.4 and 19.8.8 of the East Herts District Plan October 2018 (DP) together set out that public houses play an important role in rural communities, providing a social venue, local employment opportunities and adding to the vitality of a village, and that their loss can substantially impact on the local community.
7. Policy CLFR8 of the DP sets out criteria for assessing proposed loss of community facilities. Within Policy CLFR8, focus falls in this case on criterion (a), namely whether an assessment clearly shows that the public house is no longer needed as a community facility in its current form. DP supporting text paragraph 19.8.3 explains the requirement for proposals for change of use of community facilities to evidence that the facility is no longer viable, and investigation of options to maintain the service to the community.
8. Judging by the appellant's account of running the pub from 2016 to 2022, estate agents' listings of the property in recent years, various local residents' comments, the reported experience of the previous landlord of this pub prior to the appellant's ownership of it, and what I saw on my site visit, the following are aspects of the White Horse as a venue. Its location next to the B1004, at the southern entrance to the village of Wareside, is a short drive from the town of Ware, and Widford and Hunsdon villages. It has on-site car parking for up to around 23 cars. And there is a bus stop next to the pub that provides some further connectivity for customers from Ware and Babbs Green.
9. Also, within this historic Grade II listed timber-framed village pub building are characterful bar areas. It has a kitchen in which a variety of meals, including traditional pub 'classics' and more recently various Greek dishes, have been prepared over the years. Its substantial pub garden space includes facilities for children's play, and opportunities to appreciate the attractive views of the historic pub's exterior, and its village and countryside setting.
10. With these facilities, the White Horse, has at various times over the last couple of decades and before, provided a venue for people of various ages in the local community to drink, eat meals and socialise. Also, it has reportedly been a venue for a range of family parties, and events associated with baby showers, christenings, weddings and funerals. And with its substantial garden space, the

- pub has previously provided a venue for outdoor family and musical events, and firework displays.
11. Also, within recent decades, the White Horse has apparently hosted local events and group meetings including for a food club, quiz team, drama group, pool and petanque teams, golf society and church and has sponsored local sports teams. Also, it has apparently catered for groups of walkers using the network of walking routes in the locality, cyclists, local estates' shoot breakfasts and dinners, and local business events and parties. Furthermore, the White Horse has provided employment, including for some local people, and helped support other local businesses in its supply chain, including food producers and suppliers.
 12. In these ways, the White Horse at Wareside has, at various times over the last couple of decades and before, helped meet a range of social, leisure, cultural and economic needs for communities in Wareside village and parish. Also, it has catered for people visiting the locality from the surrounding area including Ware, for rural recreational purposes.
 13. This is within the context of a mix of community facilities in Wareside village that also includes another pub the Chequers Inn, Wareside Village Hall and Holy Trinity Church. The White Horse differs as a venue from these other facilities in several ways. It has its own distinctive character, with its individual listed building architecture. Also, it has a large, lawned pub garden, with attractive rural views beyond, and associated scope for events and family play and interaction, and volume of outdoor custom on milder days. This space differs in amount and character to the smaller amount of paved roadside space with picnic benches in front of the Chequers. This distinctiveness is reflected in several residents' emphasis of their past enjoyment of the family appeal of the White Horse's beer garden, with associated contribution to social cohesion within the local community.
 14. Also, the White Horse differs from these other facilities in the village in the prominence of its 'gateway' location at the southern entrance to the village, with its carpark which is visible from and adjacent to the B1004. And unlike the Village Hall and Church, the White Horse provides pub architecture, atmosphere and, when it was open, pub experience and opening hours. As such, in its use as a pub, the White Horse has contributed to the overall mix and vitality of the village's community facilities, and brought its own distinctive attributes as a venue to that mix.
 15. Also, the appeal property was designated as an Asset of Community Value (ACV) in 2022. Judging by the listing of the White Horse as an ACV, and the volume and passion of objections to the appeal proposal, seeking to preserve the property's use as a pub, the White Horse is still perceived as a valued community facility in Wareside and the local area.
 16. The level of local community patronage of the White Horse pub has apparently considerably reduced during its operation by the appellant between 2016 and 2022. As set out in my viability analysis later in this decision, friction between some members of the local community and the appellant appears to have been a factor in this reduction. However, this does not negate the identified substantial local event and social use of the pub in recent decades, or the volume of expressions of enthusiasm from local residents for the continuation of the venue to provide this in the future.

17. As such, the apparent deterioration in relations between some local residents and the most recent operator of the White Horse does not erase the longstanding needs of the local community that the pub has served, or the likelihood of those needs continuing to exist in the future. Also, for reasons set out in the below viability analysis, I see potential for future rejuvenation of the pub's trade, and patronage of it by the local community. Even with the local village school's recent closure, I expect that with a parish population of around almost 800 and, its proximity to population in Ware, a range of community needs would likely exist for the White Horse, as a pub to potentially meet in the future. That a community group has not come forward to put in an offer to buy the pub since its ACV designation does not negate these identified needs.
18. Furthermore, while Covid had some dampening economic effects in relatively recent times, including on the hospitality sector, it also amplified the need for outdoor leisure, and opportunities for interaction to tackle social isolation. These are among important community needs which, as a pub restaurant in an attractive village location with generous pub garden space, the use of the White Horse as a public house would help meet in future.
19. For the above combination of reasons, I find that the White Horse's use as a pub has made and would potentially make a valuable contribution to the community's ability to meet its day-to-day needs for social facilities, local employment, and recreational and cultural facilities and services, thus adding to the vitality of village and parish life. As such, there is a need for the White Horse pub in Wareside as a community facility. I therefore find that it is not clearly shown that the White Horse is no longer needed as a community facility in the form of a village public house. As such, the proposal does not satisfy criterion (a) of Policy CLFR8 of the DP.

Viability

20. The appellant's Financial Summary and Account indicates the White Horse running at an operating loss after a number of years of trading. Pressures during the appellant's time of operating the pub from 2016 until it closed in 2022 have included Covid. Also, during this most recent period of the pub's operation, there has apparently been a fall-off in local trade from the village, with a resident describing villagers as having 'voted with their feet' and used the other pub in the village, the nearby Chequers Inn, in more recent years.
21. From what I have seen and heard in this case, this reduction in village trade apparently arose from factors including some residents' unhappiness with the pub's food concept/offer, and personality clashes. Also, community opposition to rear extension proposals at the White Horse for a restaurant, enlarged kitchen and toilet facilities, and extended carpark has reportedly played a part. Thus, apparent friction between some members of the local community and the most recent pub operator has been a factor in more recent trading difficulties.
22. Several aspects of the period of Greene King's previous involvement with the White Horse have been commented on by several parties, regarding the financial performance of the pub in that period, and previous sale of the pub. However, as no detailed documentary evidence from Greene King is presented on these matters, I attach limited weight to these considerations.
23. The White Horse has been advertised for sale over several years recently, with submitted marketing brochures indicating use of at least three estate agency

platforms, including one that focuses on pubs. Also, another estate agent described their more recent marketing of the property, at the hearing. Judging by the evidence of various parties, there has been some variation in the property's asking price during the marketing period. As agreed in the Statement of Common Ground as having been confirmed, the property has been viewed by a number of prospective purchasers over several years. The majority of interest in the pub has, judging by the estate agents' accounts, reportedly been from people seeking residential use/development of the property.

24. That said, according to a more recently engaged estate agent, an offer to purchase the White Horse as a pub was made by a 'potential restaurateur', albeit funding issues apparently contributed to sale of the pub not being completed. Also, a number of people with knowledge of the village and pub have made written submissions in this appeal case, emphasising their interest in purchasing the White Horse to run it as a pub. The explanation they have given for why their interest has not resulted in them making offers for the pub relate to procedural matters around viewing, following up a viewing, and questioning of the asking price.
25. As such, while the marketing of the White Horse pub by the appellant's estate agents has not resulted in a sale thus far, there has nevertheless been a number of expressions of keen interest in purchasing the pub, from people with local area knowledge, who see the White Horse's potential to operate successfully as a pub in the future.
26. Also, the following factors further indicate the White Horse's potential to operate successfully as a pub in the future, and help meet identified community needs. The appellant's evidence and some local residents' comments together indicate that within the last couple of decades, the customer base for this village public house, serving food has included the following mix of people. This has included car-borne trade from outside the village, for example from the nearby town of Ware. It has also included local village residents including families, and various local teams, groups and business parties, albeit with an apparent reduction in local trade during the appellant's operation of the pub. Also, it has attracted cyclists, and visiting walkers.
27. Given the following attractions of this historic village pub, I anticipate that a mix of these types of customers would potentially be part of a future customer base for the pub. And, also that there is realistic potential to further increase the customer base of the public house.
28. The White Horse has its own traditional character and attractive location. With its historic timber framework, fireplaces and timber flooring, the pub's interior provides a number of cosy bar spaces for drinking, eating and socialising. Also, its attractive historic village pub exterior includes plastered walls, gable chimneys, old tile roof, and characterful arrangement of windows and pub sign, which contribute to its distinctive 'kerb appeal'.
29. Furthermore, the White Horse provides a country pub building with traditional charm, and a distinctively large and useable lawned garden space with attractive rural views at this gateway location in Wareside village and CA. This is a short journey time from Ware and other residential areas. This substantial pub garden adds to the potential for the community to come together to socialise, for example for events, family play and interaction in the future. Also,

the White Horse has its own off-road parking area for around 23 cars. These attributes are noticeable at the appeal property's prominent gateway location on the B1004 road from Ware, at the southern entrance to the heart of this charming village.

30. Thus, while there are a village hall, church and another pub in the village, and other pubs in other towns and villages within a five mile radius of the appeal property, the White Horse has a distinctive set of selling points that I expect would help it 'hold its own' commercially within this mix of venues in the area.
31. The property is a short walk or drive from the residences of the around almost 800 residents of Wareside parish. The village's mix of historic cottages and more modern family accommodation of varying sizes, including some semi-detached and larger detached properties indicates some diversity of local resident customer base from which to draw. Furthermore, the visitor economy potential of the public house is indicated by the following. With stretches of the Harcamlow and Hertfordshire Ways in the locality, the White Horse can be accessed by users of the area's network of attractive rural walking routes.
32. Also, judging by descriptions in various marketing brochures advertising the premises for sale, the White Horse has, among other things, space for around 60 covers, a high grade commercial catering kitchen and plenty of storage facilities. And is a desirable village pub-restaurant, set in around an acre of land in an affluent village location.
33. This combination of factors points to future scope for walkers, cyclists, weekend break visitors and other 'staycation' and tourist visitors in the area to use the pub. Furthermore, the expressions of passionate local community support in the village for retention of the public house use, including for various social and community activities and meetings, and the asset of community value listing further indicate likely future customer interest in the White Horse. Together, these factors indicate that as a public house the White Horse has been and has potential to in future be a valued community facility for socialising, recreation in the form of dining and drinking out, community meetings and events.
34. Thus, I am not persuaded that the White Horse's current closure and apparent trading difficulties at some times in the past reliably indicate a lack of future pub potential. Also, given the abovementioned attractions of this historic village pub, I expect the potential for future custom at the White Horse to be greater than the appellant's CAMRA Public House Viability Test analysis suggests.
35. I recognise that past proposals to enlarge restaurant, kitchen, toilet and carpark facilities at the White Horse have been investigated and refused planning permission. That said, this does not automatically preclude potential for exploring whether there might be scope for sympathetic evolution of this listed building, to help bring in additional custom, in the future. In any case, even in its existing form, the abovementioned combination of attractions of, and expressions of community enthusiasm for the White Horse as a pub, indicate the potential for the retention and reopening of the White Horse as a viable pub, to positively and distinctively contribute to the diversity and vibrancy of Wareside's hospitality offer. Therefore, I anticipate that future use of the White Horse as a public house would likely be economically viable.

Community facility conclusion

36. In conclusion, it is not clearly shown that the White Horse is no longer needed as a community facility in its form as a village public house. Furthermore, I anticipate that future use of the White Horse as a public house would likely be economically viable. Therefore, the proposed change of use would result in unacceptable loss of a community facility. As such, the proposal would fail to satisfy criterion (a) of Policy CLFR8 of the DP, and conflicts with this policy.

Heritage assets

37. The CA centres around the historic heart of Wareside, culminating in the convergence of the lane leading to Tatlingtown and the B1004 main road through the village, onto which the appeal premises face. A number of pretty, listed buildings are clustered in this historic heart, including the White Horse, which occupies a gateway location at the southern entrance to the CA. This cluster of listed buildings reflects the CA's evolution through the seventeenth to the nineteenth centuries.
38. The White Horse is one of two public house buildings in Wareside village. Dating from the late seventeenth century, the White Horse is a two-storey building with attics and cellar. It is a timber-framed building with internal and external gable chimneys, old tile gambrel roof, plastered walls, and characterful combination of sash, casement and dormer windows. Its charismatic historic architecture and location is emphasised by its prominence at the southern entrance to the CA, alongside the B1004 road from Ware. This listed building's longstanding presence here articulates the history of there being a village public house at this gateway location in the CA. Also, as a quintessential village community attribute, the White Horse's historic function as a public house contributes positively to Wareside's historic identity, and announces this at the southern entrance to the CA.
39. Consequently, the listed building embodies historical, communal, evidential and aesthetic values, which contribute to both the building's special interest and the significance of the CA.
40. Given the above, the CA's heritage significance, insofar as it relates to this appeal, lies in its illustration of the village's architectural evolution and historic community character through the seventeenth to nineteenth centuries, as manifested in its characterful mix of historic buildings, and community facilities. The special interest of the White Horse listed building, insofar as it relates to this appeal, is primarily associated with the legibility of its historic public house architecture, and its historic public house function and identity in this Hertfordshire village.
41. Under the appeal proposal, the historic fabric of the listing building would remain, and its pub sign could be retained by planning condition. Thus, its historic public house architecture would endure. However, the proposed change of use of the White Horse from public house (with ancillary accommodation) to single residential dwelling would end its historic role as a prominent gateway public house in the CA. With this change to a solely residential property, and likely associated increased domestic paraphernalia in its external areas, the White Horse would discordantly read as no longer an operational historic village pub facility. This would be noticeable to local residents and visitors. Judging by stated previous community enjoyment of, and desire for future pub use of the

- White Horse, this would result in a sense of erosion of historic village identity which would be keenly felt within the local community.
42. This erosion of legibility of historic public house function and identity at this prominent gateway location in the historic heart of the village would harm the special interest of the White Horse listed building, and so harm the character of the CA. Therefore, I find that the proposal would fail to preserve the special interest of the listed building and the significance of the CA. I give this harm considerable importance and weight in the planning balance of this appeal.
 43. Paragraph 205 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given the scale and substance of the proposal, I find the harm to the listed building and CA to be less than substantial, but nonetheless of considerable importance and weight. Under such circumstances, Framework paragraph 208 advises that this harm should be weighed against public benefits of the proposal, including any contribution to securing optimal viable use of listed buildings.
 44. The proposal would likely stimulate a fresh source of finance and enthusiasm, arising from residential occupation of the whole building, to contribute to future upkeep of the historic fabric of the listed building. Also, it would contribute additional residential space within the existing building to the local supply of housing accommodation. Albeit this would be tempered by socio-economic detriment from loss of the pub use and community facility, and associated reduction in local employment opportunity and village vitality.
 45. As established earlier under the first main issue, future use of the White Horse as a public house would likely be an economically viable use of the property. I accept that the proposed change of use of the White Horse to solely residential would also likely be an economically viable use of the appeal property. However, given a) my finding of likely viability of future pub use in this case, and b) the identified harm to designated heritage assets that would result from the appeal proposal, I find as follows. The future use of the White Horse as a public house would be the one likely to cause the least harm to the significance of the designated heritage assets. As such, future use of the White Horse as a public house would be the optimum viable use of the listed building, and the proposed change of use would not. Thus, optimum viable use of the listed building is not a benefit that would be realised by the appeal proposal.
 46. Also, within this context, it is not conclusively shown that the proposed change of use would be the minimum necessary intervention to secure the fabric and special interest of the listed building in future.
 47. Given the single dwelling scale of the proposal, the benefit of the proposed development would be limited and not outweigh the less than substantial harm to the listed building, and the character of the CA. Accordingly, I attach limited weight to the benefits of the proposal, and find that its public benefits do not outweigh the great weight given to the conservation of designated heritage assets and the less than substantial harm to their significance identified.
 48. I therefore conclude that the proposal would fail to preserve the special interest of the Grade II listed building, and the character of the CA. This would conflict with Policies HA1, HA4 and HA7 of the DP, which together seek to ensure that

proposals conserve and where possible enhance the historic environment. Furthermore, this would fail to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act, and the Framework in respect of the desirability of sustaining and enhancing the significance of heritage assets, with great weight given to the asset's conservation.

Transport, parking and highway access

49. It is undisputed that the proposed single dwelling use would have policy compliant parking provision. Also, it would utilise the existing crossover and entry point onto the public highway that has previously been used by patrons of the pub. And, given the anticipated decrease in vehicle movements that would result from the change of use from public house (with ancillary accommodation) to single residential dwelling, traffic generated by the site would be reduced.
50. Furthermore, at the hearing the Council confirmed that following further consideration, and in the light of agreement between the parties that boundary treatment and highway verge provision could be suitably addressed by planning condition, the second reason for refusal regarding highways and transport has been resolved. For the above reasons, I agree on this point, and find that the proposal would not adversely impact on highway safety or the free flow of traffic.
51. Therefore, I conclude that the proposal would make suitable provision for sustainable transport, vehicle parking, and safe and suitable highway access. As such, it would not conflict with DP Policies TRA1, TRA2 and TRA3, which together seek to achieve promotion of sustainable transport, safe and suitable highway access, and adequate vehicle parking.

Planning Balance and Conclusion

52. As set out above, I have determined that the public benefits of the proposal are insufficient to outweigh the less than substantial harm that would be caused to the significance of heritage assets. Accordingly, I confirm that overall the benefits of the proposal are insufficient to outweigh the totality of harm that I have identified in relation to the main issues.
53. Going forward, the White Horse is likely to require fresh energy and product innovation to sustain its future operation as a public house. While I do not expect this would be easy, judging by the potential identified above, and the strong community passion expressed for it to remain as a pub, I find that it would be premature and unjustified to 'call time' on the White Horse's role as a charismatic country pub in this attractive East Hertfordshire village location, a short journey from the town of Ware, through the appeal proposal.
54. The proposed development would be contrary to the development plan and Framework and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

William Cooper

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Karen Crowder-James
Sotira Pilikos
Ray Wilson

Contour Planning Ltd
Appellant
Prestige & Village Estate Agents

FOR THE LOCAL PLANNING AUTHORITY:

Diane Verona

Principal Planning Officer

INTERESTED PARTIES:

William Dunn
Claire Fennelow

Local resident
Local resident