



Appeal Decision

Site visit made on 7 January 2025

by **S Pearce BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2025

Appeal Ref: APP/H0520/W/24/3346758

**The Dragoon Public House, 18 Buckden Road, Brampton, Cambridgeshire
PE28 4PS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Bossco Taverns Limited against the decision of Huntingdonshire District Council.
 - The application Ref is 22/01509/FUL.
 - The development proposed is described as the “change of use and conversion of the existing public house (Sui Generis) to provide 3 residential dwellings (1 x 2 bedroom, 1 x 3 bedroom, 1 x 3 bedroom) together with associated alterations, car parking, and landscaping.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the application, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Those parts of the Framework most relevant to the appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the Framework, and I am satisfied that no parties interests would be prejudiced by my taking this approach.
3. The description of development was amended from two to three residential dwellings during the consideration of the planning application. Written confirmation between the parties has been provided agreeing this change. I have therefore used the amended description of development in the banner heading above.
4. Additional information has been submitted as part of the appeal¹. While this documentation has not been subject to wider publicity, it does not alter the location or nature of the scheme which was subject to wider publicity. In this case, the Council have had opportunity to comment on the additional information. As such, interested parties have not been unduly prejudiced by my acceptance of this late evidence.

Main Issue

5. The main issue is whether the loss of the public house would be acceptable, having regard to the development plan.

¹ DOC 009 Market Overview January 2024, DOC 011 Berry's Listing 2021, DOC 012 Berry's Email Correspondence July 2021, DOC 015 Christie & Co Listing 2024, DOC 016 Christie & Co Analytics 2024 and DOC 017 Letter regarding a nomination as an Asset of Community Value from Huntingdonshire District Council dated 15th April 2024

Reasons

6. The appeal site, while currently vacant, was formerly in use as a public house. The appeal scheme seeks to convert the premises, known as The Dragoon, into three residential dwellings.
7. The purpose of Policy LP22 of Huntingdonshire's Local Plan to 2036 (LP) is to maintain the sustainability, vitality and viability of settlements and individual neighbourhoods within market towns, to support local facilities and services and to provide for the needs of the local community. The policy outlines that local services and community facilities include, among other things, public houses.
8. In this regard, the relevant sections of LP Policy LP22 states that where permitted development rights do not apply, a proposal which involves the loss of a local service or community facility will only be supported where:
 - d) an equivalent service or community facility will be provided in a location with an equal or better level of accessibility for the community it is intended to serve; or
 - e) it demonstrates that there is no reasonable prospect of that service or facility being retained or restored because either:
 - i) there is insufficient community support for its continuation; or
 - ii) reasonable steps have been taken to effectively market the property for its current use without success.
9. There is agreement between the parties that no equivalent service or community facility is proposed. As such, there would be conflict in respect of criterion d) of LP Policy LP22.
10. With regard to criterion e) i) of LP Policy LP22, the supporting text advises that assessing the level of community support for a local service or facility is a matter of judgement, but could be informed by information such as evidence of the level of recent usage, as well as the number and nature of comments made on an application by members of the local community.
11. The appellant has confirmed that the public house stopped trading in January 2020. The appellant states that, given the length of time since the closure of the public house, they are not able to provide any records of recent trading accounts for the period leading up to the closure. While an interested party asserts that the public house had struggled in recent years and tried several landlords and events, additional comments highlight that the public house was used by various community groups, including bell ringers, a Garden Club and a Football Club. As such, in the absence of substantive information, no meaningful assessment can be made in respect of the level of usage prior to the public house closing.
12. In the absence of such information, the appellant has provided a Hospitality Market Monitor dated January 2024 (the Monitor). This provides a general market overview for the sector and states that the licensed sector remains vulnerable. The Monitor highlights a decline in, among other things, drink-led pubs between 2003 and 2023. It does, however, state that food-led pubs and city centre pubs have been more resilient. The Monitor asserts this reflects the long-term shift in the way people use pubs, and their change in focus from drinking out to eating out. While

the appellant asserts that the general hospitality trends within the industry, as highlighted by the Monitor, reflect the experience at The Dragoon, limited evidence to substantiate this has been provided.

13. Two petitions were submitted in support of the proposal². Notwithstanding the Council's concerns in respect of the original petition, these demonstrate that there is some community support for the loss of the public house. While noting this and that the Parish Council initially indicated their support for the proposal, they subsequently raised objection to the proposal due to the loss of the community facility.
14. While the Parish Council may have had opportunity to raise the issue of public interest with the appellant direct, nevertheless, the evidence indicates that the Parish Council has nominated the public house through the Community Right to Bid as an Asset of Community Value.
15. Consequently, the evidence submitted does not robustly demonstrate that there is insufficient community support for the continuation of the public house.
16. In respect of criterion e) ii) of LP Policy LP22, the supporting text sets out that a robust marketing exercise is the most transparent way of demonstrating that such facilities are no longer viable. It states that effective marketing will in most cases need to be for a continuous period of 12 months at a value reflecting its permitted use, while recognising that in particular circumstances it may be appropriate for alternative arrangements to establish if there is any realistic prospect of maintaining the service or facility.
17. The public house has been marketed on three separate occasions. It is noted that both the Find My Pub and Christies and Co marketing exercises included a premium listing, targeted emails and advertised the property on Rightmove Commercial, Zoopla, The Publican, Christie.com and various social media channels. However, each marketing period has been brief, with the longest period from October to December 2021.
18. With regard to the Berrys marketing exercise during 2021, while the evidence indicates that no offers were received, the guide sale price has not been disclosed. Moreover, while the premises was advertised as a public house and restaurant, the appellant has confirmed that it was also present as a freehold redevelopment opportunity, for either residential, retail or commercial uses.
19. The Find My Pub marketing exercise resulted in three unique pub enquiries. However, no evidence has been provided which outlines why the three candidates were not suitable.
20. Consequently, based on the evidence provided, I am not persuaded that reasonable steps have been taken to effectively market the property for its current use.
21. Brampton is served by several community facilities and services, including The Black Bull, Hare on the Green, The Brampton Mill and the Brampton Hut, a post office, various food and convenience good shops, sports and social club, café, restaurant, doctor's surgery, vets, garden centre and a community centre. It is also noted that there are a number of public houses in nearby Huntingdon and

² Original Petition June 2022 and Subsequent Petition November 2022

Godmanchester. However, the presence of such facilities is not sufficient to overcome the conflict identified with the development plan.

22. The appellant asserts that they have been fully supportive of initiatives that would see the public house continue, including considering alternative arrangements. However, there is limited evidence which demonstrates that the introduction of an alternative community use, or multiple uses within the appeal site, could not be achieved, even accounting for the constraints highlighted, including limited available floorspace, non-public areas and heritage assets.
23. For these reasons, the loss of the public house would not be acceptable, having regard to the development plan. This is contrary to LP Policies LP7 and LP22, insofar as they seek to locate and safeguard local services and community facilities.

Other Matters

24. The appeal site is located within Brampton conservation area (CA) and close to 14 Buckden Road, a Grade II listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker to have special regard to the desirability of preserving the setting of this listed building. With Section 72(1) of the Act requiring that special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA.
25. The significance of the CA, insofar as it relates to this appeal, is derived from the historic buildings, laid out in a predominately linear format fronting the highway, with verdant and spacious surroundings. The significance of the listed building is derived, in part, from its architectural and historic interest and its prominent positioning on Buckden Road.
26. The appeal scheme does not propose any significant external alterations. As such, this leads me to the view that the appeal scheme would preserve the character and the appearance of the CA and the setting of the listed building. This reflects the Council's similar conclusions.
27. The appellant highlights that the appeal scheme is acceptable in respect of privacy, outlook, loss of light, flood risk and highway safety and states that a suitably worded condition could secure biodiversity net gain. Moreover, the proposal would meet the nationally described space standards and provide sufficient car and cycle parking. An absence of harm in respect of these issues are neutral matters, that neither weigh for or against the appeal scheme.
28. The appellant has submitted a signed unilateral undertaking, dated 9 September 2024, which secures a contribution towards the provision of wheeled refuse bins to serve the appeal scheme. While the Council has raised no issues in respect of this matter, given that the appeal is being dismissed on other grounds, it is not necessary to consider this matter further.
29. The appellant has raised concerns with the planning application process, including the need for additional surveys. These are matters between the appellant and Council and are outside the scope of the appeal.

Conclusion

30. For the above reasons, I conclude that the proposed development would conflict with the development plan as a whole. There are no material considerations, including the Framework, that indicate I should conclude other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

S Pearce

INSPECTOR