
Appeal Decision

Site visit made on 23 April 2025

by **E Dade BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 May 2025

Appeal Ref: APP/J2210/W/24/3354734

The Chequers Inn, Stone Street, Petham, Kent CT4 5PW

- 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 Mr Andrew Cann against the decision of Canterbury City Council.
 - The application Ref is CA/24/00106.
 - The development proposed is change of use. Pub to residential.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A similar proposal for change of use was refused planning permission by the Council in 2020 and dismissed at appeal in 2021¹. I have had regard to the site's recent planning history, along with all other submitted evidence.

Main Issue

3. The main issue in the appeal is whether the proposal would result in the loss of a viable community facility.

Reasons

4. The Chequers Inn is a detached public house with a ground floor bar, restaurant area, kitchen and toilets, first and second floor ancillary accommodation, and a large parking area and garden.
5. The surrounding area is predominantly residential with a row of dwellings along Stone Street and Chequers Hill, and there is a holiday park to the southwest. The pub and nearby development are distinct from the village centre of Petham, separated by open fields but connected by Chequers Hill, a rural lane. The wider landscape comprises agricultural land. The site is therefore within a rural location.
6. Given its proximity to residential uses, the proposed use as a dwelling would not be incompatible with its surroundings. The proposal would not significantly alter the appearance of the building and thus would not have a detrimental impact on rural character. The effect of the proposal on the landscape and scenic beauty of the Kent Downs National Landscape would therefore be neutral.
7. The pub site fronts onto the B2608 / Stone Street, a busy route toward Canterbury, and has a large car park. The appellant asserts that due to the pub's location away

¹ Appeal reference: APP/J2210/W/20/3256375

from the main area of the village, most of Petham's residents must drive to the venue and would be able to drive to other pubs in the local area. However, in addition to being accessible to motorists, the pub is within walking distance of occupants of surrounding dwellings and holiday park guests.

8. It is unclear if the licensed venue 'The Petham Pint' is currently trading since its existence is not corroborated by other written statements, which describe The Chequers as the last remaining pub in the village. The pub in the nearby village of Lower Hardres can only be accessed from Petham by a well-used road without lit footways and is not within a convenient walking distance. Therefore, there are no other pubs within walking distance of the site.
9. A short distance to the north, a garden centre with café offers catering services during the daytime. In addition, Petham Village Hall offers a variety of community events throughout the year. However, these facilities differ significantly from the continuous food and beverage services offered by a pub. The proposed change of use would therefore result in the loss of a community facility, for which there is no alternative provision of a similar type within an acceptable walking distance.
10. The appellant has provided financial information relating to the pub business for the financial years 2011 to 2017, 2019, and 2023. The appellant asserts the location is not viable as it is situated on a main road away from the village centre, with insufficient customer footfall from nearby dwellings. However, the accounts information from the period of management by a former tenant landlord reported a net profit in each year 2011 to 2016 and estimated a net profit in 2017.
11. The appellant's analysis suggests the average net profit from 2011 to 2017 would be insufficient to cover minimum wage costs to support two landlords working a typical 47-hour week. However, the written evidence identifies one tenant only, and therefore it is uncertain whether the profits were shared by two landlords.
12. The average net profits during this period were below the average publican salaries currently reported by the government's National Careers Service. Whilst the profit margins may have been relatively modest, the account information nonetheless suggests the pub had formerly been an ongoing and viable business.
13. The appellant took over the running of the pub in 2018, but closed the business in 2019, reporting a large net loss. In 2022, the pub was leased to new tenants on a five-year term. However, the tenant landlord reported a large loss in 2023 and surrendered the lease in April 2024. The tenant landlords cited a lack of customers amongst their reasons to close the business.
14. The appellant undertook extensive investment through renovation and refurbishment to improve the building's external and internal appearance. In addition, the appellant sought to improve and expand the pub's services, such as hiring an experienced chef, diversifying the food and drink menu, and offering customer promotions and takeaway services. During 2018 and 2019, various one-off events were held. In addition, the pub was promoted through local advertising. It is evident the appellant undertook a range of measures to entice more customers to the pub business and increase turnover, which unfortunately were unsuccessful in securing a profitable business. Maintaining sufficient demand for the pub's services in the short term therefore proved challenging.

15. During 2020 and 2021, no tenant was in place and any business activities would have been curtailed by COVID-19 regulations and social and economic effects associated with the pandemic. The pub industry has faced other recent financial challenges including rising costs. In addition, the appellant identifies local competition from events held at the licensed village hall venue.
16. Nonetheless, for the period of the appellant's ownership since 2018, the submitted financial information relates to two relatively short periods of separate pub management. As acknowledged in the previous appeal decision, the early period for any new business can be financially challenging.
17. The appellant listed the pub for sale from March 2019 with commercial agents, national property websites, and in a specialist industry magazine, with no enquiries. The pub was listed for both sale and rent from April 2021 to February 2022, with the agent reporting a lack of commercial interest. The appellant calculates a total marketing period of 33 months. However, a lease was agreed with the tenant landlord in 2022. Whilst acknowledging the new pub business was unsuccessful in turning a profit, agreement of the lease confirms there was genuine interest within the market.
18. The appellant indicates that following the ending of the lease in April 2024, the pub remains for sale with no buyers coming forward. However, the hyperlink to a commercial listing appears to be out of date, full details of this recent marketing exercise have not been provided, and there is uncertainty whether the pub was listed at a reasonable market value. The extent to which the pub has been actively marketed in recent years is therefore unclear.
19. Written submissions from local residents suggests the pub was valued by the community. In July 2020, the pub was listed as an Asset of Community Value (ACV). No bids for purchase from the local community were received.
20. However, Petham Parish Council indicate it made attempts to raise funds and sought to apply to the government's Community Ownership Fund to acquire and run the pub as a community asset. Therefore, whilst the parish council was ultimately unsuccessful in acquiring the pub, it is evident there was genuine interest within the local community. A further application for ACV was made by the parish council in May 2024. Following representations by the appellant, the Council considered the pub did not meet the relevant ACV tests and its was de-registered. Nonetheless, the evidence suggests community interest in the pub remains, and I am not persuaded there would be no interest in the premises provided it is promoted at a realistic market value.
21. Policy QL3 of the Canterbury District Local Plan 2017 (CDLP) permits the loss of community facilities, such as public houses, where it can be demonstrated that:
 - (a) the use is no longer viable, the business has been actively marketed for 2 years with no genuine interest, or there is no longer a continuing demand for the use or facility; or
 - (b) there is alternative provision for a similar type of use within an acceptable walking distance; and
 - (c) there would be no detrimental impact on the rural character and community.

22. As set out above, the submitted financial information shows a net loss in only two non-consecutive years of separate pub management (2019 and 2023) and is insufficient to demonstrate a pub use is no longer viable. The marketing exercise was successful in agreeing a lease in 2022, and full details of any subsequent marketing have not been provided. The parish council's attempts to acquire the pub suggests there is genuine interest and continuing local demand for the facility.
23. There is no alternative provision for a similar type of use within an acceptable walking distance.
24. Whilst I have found the proposal would not be incompatible with the area's rural character, the CDLP recognises that rural communities should have reasonable access to community facilities, particularly as public transport is limited in these areas. Therefore, through the loss of a pub facility with no alternative provision, the proposal would have a detrimental impact on the community.
25. For these reasons, the proposal would fail to satisfy criteria (a), (b), and (c) of Policy QL3, and would thus conflict with the policy as a whole. Therefore, the loss of the pub facility is not justified.

Conclusion

26. The proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal should be dismissed.

E Dade

INSPECTOR