



Appeal Decision

Site visit made on 8 July 2025

by Jonathan Price BA(Hons) DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Appeal Ref: APP/V0510/W/24/3358002

Lazy Otter, Cambridge Road, Stretham, Cambridgeshire CB6 3FS

- 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 Miss Rita Walsh against the decision of East Cambridgeshire District Council.
 - The application Ref is 24/00744/FUL.
 - The development proposed is a change of use from A4 (sui generis) to C1 accommodation with minor external alterations.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The proposal is for the change of use of a public house, currently not in operation, to a Class C1¹ guest house. The two-storey building and its associated car parking and garden is accessed from a loop road off the A10. This also serves a park home development of mixed holiday and permanent accommodation. Next to the appeal site is a boat marina on the adjacent River Great Ouse. The site falls within countryside for planning policy purposes, with the nearest settlement of Stretham approximately two kilometres to the north.
3. The appellant made an earlier application to change the use of this building to a Class C3 dwelling. This had been refused by the Council, with the subsequent appeal dismissed on 11 August 2023². In that appeal, the Inspector had found insufficient evidence to demonstrate that the public house could not be financially viable or that reasonable efforts had been made to sell or let the property for community purposes at a realistic price for at least twelve months. He found the change of use resulted in an unnecessary loss of a commercial community facility in conflict with Policy COM 3 of the East Cambridgeshire Local Plan 2015 (ECLP).
4. In a section 174 appeal addressed in the same decision letter, the Inspector had also upheld the Council's Enforcement Notice³ requiring the cessation of the unauthorised residential use of the public house and land other than for

¹ The Town and Country Planning (Use Classes) Order 1987 as amended.

² APP/V0510/W/22/3303864 Section 78 appeal over change of use of public house (sui generis (formerly A4)) to dwellinghouse (C3).

³ USE/22/00006

purposes ancillary to the primary use of the premises as a public house, establishing a compliance date of 11 May 2024⁴.

5. On 6 June 2024, the Council declined to determine a second application for the change of the use of this building to a Class C3 dwelling⁵. This was on the basis of it being a similar proposal to that dismissed on appeal within the last two years, and because granting the retrospective development would have involved breaches of planning control specified in a pre-existing Enforcement Notice. This has led to the current proposal for a C1 guest house use instead of a C3 dwelling. The Council's reason for refusal was again based on the change of use resulting in the loss of a community facility provided by the public house, and a failure to demonstrate this or an alternative community use was not viable, including insufficient evidence of adequate marketing for such purposes. On the basis of the foregoing, the main issue in this appeal, as in the previous one, is whether the proposal would result in the unnecessary loss of a community facility.

Reasons

6. The development plan is still the ECLP, and the alleged conflict is again that found with Policy COM 3. The National Planning Policy Framework (NPPF) was revised in December 2024. To provide the social, recreational and cultural facilities and services the community needs, paragraph 98 includes the requirements 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 and places of worship) and other local services to enhance the sustainability of communities and residential environments,

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.

7. The ECLP therefore remains consistent with the NPPF by recognising, in paragraph 7.4.1, that community facilities such as pubs are vital to maintaining the quality of life in local centres and boosting the social and economic vitality of the community as a whole. Paragraph 7.4.3 goes on to say that commercial community facilities such as pubs, may be granted for change of use to residential or other non-community use if it can be demonstrated that the facility is neither viable nor likely to become viable for that use or an alternative community use. It requires evidence of marketing locally and nationally for 12 months for the current use or an alternative local commercial or community facility, free of ties and restrictive covenants, at a price agreed with the Council following an independent professional valuation, to demonstrate no interest in continued use as a community facility. Evidence that all reasonable efforts have been made to preserve the facility including all diversification options is also sought.

⁴ APP/V0510/C/22/3303870

⁵ 24/00440/FUL - Change of use from A4 (sui generis) to C3 accommodation (retrospective)

8. A guest house is not one listed as a community facility in the ECLP and would not be open to the general public like a public house. Therefore, the change of use would result in the loss of a commercial community facility, engaging the requirements of ECLP Policy COM 3. The appellant advises that the public house last traded on New Years Eve 2018, when the tenant walked out halfway through a 20-year lease agreement. The lease had been marketed, twice, during 2018 by the tenant, without success. Financial accounts had shown this tenant experienced a steady financial decline as far back as 2015, which I have no reason to dispute. I am advised that the property was marketed by the freeholder from 7 January 2019, in an attempt to secure a new tenant. During this time, the pub remained closed, but after 14 months and unable to secure a sale, in March 2020 the freeholder re-opened the pub with a manager and not a tenant in place. Evidently, prior to the appellant's purchase, the freeholder was the owner of the marina, which had entered administration.
9. The appellant relies on the same Viability Report (VR)⁶ submitted with the previous appeal, which was produced nearly three years ago. Like other evidence submitted by the appellant, including the various newspaper articles and reports, much of this accounts for the generally challenging environment faced by the licensed trade in recent years. None of this general evidence is disputed. However, whilst it is clear the previous tenant had failed to sustain a profitable enterprise, the VR fails to make an objectively persuasive case for the Lazy Otter being entirely incapable of becoming a viable public house operation.
10. It is accepted the location is within the countryside, serving only a small immediate population of park home residents and boat visitors. However, the report takes no account of any potential advantages of a rural riverside location and how these might offer attractions as a destination facility. Similarly, the lack of trade owing to the long walking distance from the main village, and absence of public transport, might be offset by the site's broader accessibility by both road and boat, or its potential to serve passing groups of cyclists or footpath ramblers. In terms of attracting trade, little reference is made to the busy A10 or boat traffic on the Great Ouse. In this wider context, the specific reference to the site being hidden by trees seems a rather minor disadvantage to highlight.
11. No account is made of the space available for car parking, outdoor covers or garden and play space. The ancillary accommodation is discounted rather than factored in as a potential benefit that might be combined to help the public house be profitable. The scope of the site to provide the potential for diversification around an ongoing public house use is not explored.
12. The conclusions reached from an extrapolation of a demographic profile pertaining just to Stretham, linked to statistics on alcohol consumption and assumptions on per capita expenditure at the Lazy Otter all seem highly contrived. This evidence fails to reflect a comprehensive picture of the economy and household growth in this part of Cambridgeshire, leading to entirely unconvincing and subjective conclusions. The report makes further assumptions over expected incomes, financial viability and previous trading levels which I find generally lacking in detail and foundation, all of which leads to a highly tenuous assessment of unviability. The previous Inspector had not found the viability

⁶ 11 August 2022 by Stephen F Tucker FBII FAVLP MICBA of Humberstones

evidence compelling, and the robust case necessary for me to find any differently is distinctly lacking.

13. Even if the conclusions of the VR were considered well-founded, appropriate marketing has not been carried out to qualify these. The previous Inspector had found no compelling evidence to indicate that, since the appellant has owned the premises, all reasonable efforts have been made to sell or let the property for community purposes at a realistic price for at least twelve months. No evidence of further marketing of the premises has occurred since that appeal was decided.
14. I have reviewed the marketing reports from Everard Cole and Guy Simmonds Property Agents. That carried out between January 2019 and November 2021 has not been shown to be at a price agreed with the Council following an independent professional evaluation, so as to comply with the ECLP. This requirement is to ensure that sale prices are realistic and appropriate for the approved public house or an alternative commercial community use, to avoid potential purchasers being deterred by higher residential valuations. Marketing took place during the Covid-19 pandemic and periods of full lockdown or more limited restrictions on business trading, exercising and socialising. It is also reasonable to conclude this suppressed interest in public house opportunities at the time.
15. It has not been demonstrated that the current use or an alternative community use is not financially viable or that all reasonable efforts have been made to sell or let the property for community purposes at a realistic price for at least twelve months. Therefore, the change of use from public house to a C1 use would result in an unnecessary loss of a commercial community facility, in conflict with ECLP Policy COM 3.

Other Matters

16. The appellant cites three examples of where this Council has recently allowed the change of use of a public house. In regard to the Three Pickerells at Mepal⁷ and the Anchor at Sutton⁸, the appellant provides no evidence that these changes of use resulted in the same loss of a pub or other commercial community element as in this case. Regarding the Cherry Tree in Haddenham⁹, the appellant has not provided evidence over the alleged lack of marketing, accounts or a viability report. The Dog in a Doublet at Thorney application¹⁰ falls within the jurisdiction of Peterborough City Council and as I have not been made aware of the final decision, has little bearing on this particular case. In all, the appellant has not provided the details of any clearly similar precedents that offer support for this proposal, which must remain assessed principally on its own, individual merits.

⁷ Planning Ref. 17/01738/FUL The Three Pickerells, Bridge Road, Mepal, Ely, CB6 2AR - change of use from a pub to a hotel.

⁸ Planning Ref. 21/01794/FUL The Anchor, Bury Lane, Sutton, Ely, CB6 2BD - change of use from A4 (sui generis) to C1.

⁹ Planning Ref. 24/00620/FUL The Cherry Tree, 8 Duck Lane, Haddenham, Ely, CB6 3UE - change of use for A4 (sui generis) to C3.

¹⁰ Planning Ref. 24/01597/FUL Dog in a Doublet Inn, Northside, Thorney, PE6 0RW - change of use for A4 (sui generis) to C3 residential.

Planning Balance and Conclusion

17. The NPPF confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The proposal would support the economic objective of this through avoiding any further delay in bringing the building into use and supporting the local tourism industry. The social benefit of meeting the appellant's personal needs would be offset by the harm in the permanent loss of a community facility. Any environmental benefits would be similar to those a public house or alternative community use might be able to provide.
18. The benefits identified by the appellant would not outweigh the harm resulting from the unnecessary loss of a commercial community facility, in conflict with ECLP Policy COM 3 and the NPPF. Therefore, material considerations would not indicate this appeal be determined otherwise than in accordance with the development plan, with which there would be conflict when considered as a whole. Having taken all further matters raised into account, I therefore conclude the appeal should be dismissed.

Jonathan Price

INSPECTOR