



Appeal Decision

Site visit made on 22 July 2025

by **S Wilkinson BA, BPI, Dip LA, MBA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 August 2025

Appeal Ref: APP/K0235/W/25/3362477

The Fox & Hounds, 178 Goldington Road, BEDFORD, MK40 3EB

- 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 Fox and Hounds Bedford Limited against the decision of Bedford Borough Council.
- The application Ref is 24/00923/FUL.
- The development proposed is change of use from public house (Sui Generis) to retail use (Use Class E(a)) and residential (Use Class C3) to form 4 dwellings with associated extensions and external alterations to the façade, changes to car parking layout, closure of one vehicle entrance, and provision of cycle parking.

Decision

1. The appeal is allowed and planning permission is granted for change of use from public house (Sui Generis) to retail use (Use Class E(a)) and residential (Use Class C3) to form 4 dwellings with associated extensions and external alterations to the façade, changes to car parking layout, closure of one vehicle entrance, and provision of cycle parking at The Fox and Hounds, 178 Goldington Road, Bedford, MK40 3EB in accordance with the terms of the application, Ref 24/00923/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

2. The appeal is accompanied by an application for Costs. This is addressed through a separate decision.

Main Issue

3. The appeal raises the following issue:
 - Whether the proposed change of use is justified with reference to the adopted policies of the Development Plan for retaining local facilities.

Reasons

4. The appeal site is a large detached public house located on Goldington Road. The surrounding area is primarily residential although there are retail uses located throughout the wider area with a local store within a 5 minute walk of the site.
5. The overarching thrust of the Council's adopted retail policies is to protect essential local shops which meet day to day needs. This is consistent with Paragraph 98a) of the National Planning Policy Framework (the Framework). Policy 83 of the Bedford Local Plan 2030, (adopted 2020) is a permissive policy which only allows a change of use from essential shops, a definition which includes public houses, where three criteria are met. In summary these include the presence of other essential premises

within a 10 minute walk, that the site has been actively marketed and the proposed use would avoid the concentration of similar uses.

6. At the heart of this appeal is the extent to which this site has been marketed as required by policy 83ii. To inform its assessment of the appellant's marketing campaign the Council has used guidance (the guidelines) within Appendix 1 of the Allocations and Designations Local Plan 2013 as a framework.
7. The guidelines are not policy and are not cross referenced from policy 83 as they relate to employment policies within the other local plan document. They are not a definitive checklist but I accept that they provide a useful basis to inform how well sites have been marketed.
8. It is agreed between the two main parties that the public house was running at a loss of £167,253 before its closure in April 2023; this is despite evidence that the public house offered food as well as drink. This amount is consistent with the evidence included in the previous appeal decisions of my Inspector colleagues¹. Whilst this figure in itself may not be conclusive that a public house use on this site is unviable, reflecting operational management issues, the outcomes from a marketing campaign can serve to either confirm or not the viability of the use for the future.
9. The marketing commenced in June 2022 when the pub was still operating and lasted for ten months with an asking price for the leasehold of £70,000. This was subsequently revised following its closure and from October 2023 marketing continued on both a leasehold and freehold basis for £41,000 and £600,000 respectively. This approach offering the site on both a leasehold and freehold basis addresses the concerns raised by my Inspector colleague in the most recent decision². The price reductions of both the freehold when compared to the previous sales price of £625,000 (2019) and the reduction in the leasehold price reflect a pragmatic approach consistent with market conditions. Accordingly, there was no requirement for three valuations as the Council suggest. In these circumstances, appropriate prices have been asked for both the leasehold and freehold. Furthermore, these were clearly guide prices as any interested party would have understood.
10. In total the property was marketed for around 27 months on a leasehold and around 12 months on a freehold basis; both tenures were marketed together between October 2023 and September 2024 when the Council made its decision. This is an appropriate period of time for marketing of a property in challenging economic circumstances and broadly adheres to the guidelines.
11. The appellant employed a range of marketing techniques. Marketing was through a company recognised as having specialist knowledge of the public house and leisure market. The site was advertised on a private treaty basis; this is consistent with the guidelines. The pack included title plan extracts, statutory information on planning, business rates and licencing. Marketing was carried out via a web based portal, the Estates Agents Clearing House (EACH) comprising a database of around 12,000 UK agents. The property particulars are comprehensive in scope and detail, addressing the matters raised in boxes 8 and 9 of the guidelines. The

¹ APP/K0235/W/21/3283168 & APP/K0235/W/23/3332432

² APP/K0235/W/23/3332432

site was also marketed via the commercial property base of the two agents involved.

12. The reach of the portal and these data bases would far exceed the 250-400 brochures referred to in the Council's guidance. This web-based campaign was run in parallel with the more traditional focus of boards affixed to the premises.
13. The guidelines were clearly predicated on the marketing sites for a broad range of employment land uses in comparison to the requirements of policy 83ii required to be focussed on public house operators. Boxes 11 and 12 included in the guidelines are not directly relevant to this appeal. Of the 35 enquiries received only two expressed an interest in the site's future as a public house with one concerned over its location for a craft beer operation and the other on the amount of capital investment required. The results of the campaign are consistent with the limited offers following the marketing of the site in 2018. Overall, the results of the appellant's marketing are consistent with the national market for public houses included in the appellant's evidence and unchallenged by the Council.
14. Whilst the approach adopted by the appellant does not adhere strictly to every aspect of the guidelines, I am satisfied that their campaign was appropriate to this property in terms of the asking price, content of the particulars and reach of the marketing campaign. The requirements of Policy 83ii have been met.
15. The loss of this public house would not lead to the loss of an essential local service as there are other public houses within half a mile including the White Horse, the Gordon Arms and the Devonshire Arms. The requirement of Policy 83i is met.
16. The proposed retail use would not lead, through cumulative impacts to adverse impacts on environmental quality, amenity or excessive parking or lead to an increase in anti-social behaviour. Whilst there are other shops in the local area with one located within a 5 minute walk, others are spread throughout the area.
17. The appeal site is a large, detached building, set away from other residential properties with the benefit of a large parking area. The inclusion within the scheme of four residential flats would limit any concerns over the potential for anti-social behaviour. The site would retain a large parking area and highway issues which were of concern in the previous appeal have been resolved in this scheme. The requirements of policy 83iii are met.

Conclusion

18. Since the last appeal additional information has been supplied by the appellant on the operation of the public house, its marketing history and the outcomes of this campaign. This presents a comprehensive picture when compared to that before my Inspector colleague who determined the last appeal.
19. Whilst I accept that the public house offers a unique community destination with an informal and convivial setting which cannot be fully replaced by a retail unit there are others in the locality. I am satisfied that the requirements of Policy 83 have been met.
20. I have considered the individual objections and petition against the appeal scheme but these do not persuade me that this decision should be made other than in accordance with Policy 83 of the Local Plan. The scheme is not in conflict with Paragraphs 88d) and 98c) of the Framework.

21. The appeal scheme would also deliver three additional dwellings at a time when the Council cannot demonstrate a policy compliant housing supply. This would be a small but important contribution to housing supply and is an important material consideration that distinguishes the circumstances of this decision from that of the previous one.
22. For these reasons, I conclude that the appeal scheme does not conflict with Policy 83 of the Local Plan. The appeal is allowed and permission subject to planning conditions is granted.

Conditions

23. I have reviewed the Council's suggested planning conditions in the light of its adopted policy and the Planning Policy Guidance. I have imposed conditions regarding the 'life' of the permission and the plans on which this decision is based for reasons of certainty.
24. In order to protect the character and appearance of the area I have imposed conditions in respect of materials proposed for the external elevations and the site's boundary treatment. For the same reason, given the physical state of the existing car park I have imposed a condition requiring its re surfacing and identification of spaces and details of the siting, design and materials of the proposed bin store.
25. To protect the living conditions of the occupants of the four flats, conditions have been imposed in respect of noise, ventilation and fibre optic infrastructure and the proposed hours of operation of the retail use.
26. To protect the living conditions of surrounding occupiers I have imposed conditions in respect of a construction traffic management plan and delivery and service management plan.
27. A condition requiring full details of the proposed cycle parking, consistent with the Transport Assessment submitted with the appeal, has been imposed. This would allow a choice of transport mode to the appeal site from the surrounding area.
28. Whilst the restrictions on permitted development are not encouraged I accept that the suggested condition restricting the use of the appeal scheme solely to a retail unit within Class E is appropriate. This is consistent with the Council's adopted policy.
29. Given the urban nature of the appeal site, I have not included the Council's suggested condition regarding the need for biodiversity enhancements. This would appear to be inappropriate given the context of the site.

S Wilkinson

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin no later than three years from the date of this decision.

2. The development hereby permitted shall be carried out in accordance with drawing nos: 2019-21 PL001, CLS 19080002, CLS 2009 2003, CLS 2009 2002, CLS 2009 2001, CLS2009 2004, 2019-21 PL102, 2018-21 PL105, 2019-21 PL103, 2018-21 PL004.

3. No development shall take place until full particulars of the external materials to be used (to include walls, roof, doors, windows and external gutters and pipework) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details or particulars.

4. No development shall take place, until a scheme of measures to restrict the parking and loading of vehicles, along the site boundary on Caves Lane/Goldington Road with a delivery strategy and timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details.

5. No development shall take place, including any works of demolition, until a Construction Management Plan, associated with the development of the site, has been submitted and approved in writing by the Local Planning Authority which will include information on:

(A) The parking of vehicles

(B) Loading and unloading of plant and materials used in the development

(C) Storage of plant and materials used in the development

(D) The erection and maintenance of security hoarding / scaffolding affecting the highway if required.

(E) Measures on site to control the deposition of dirt / mud on surrounding roads during the development.

(F) Footpath/footway/cycleway or road closures needed during the development period (to include all proposals for road closures or traffic diversions prior to the adoption of roads within the development)

(G) Traffic management needed at the interface with the public highway during the development period

(H) Times, routes (to include specific measures such as delivery ticket instructions and location of signage) and means of access and egress for construction traffic and delivery vehicles (including the import of materials and the removal of waste from the site)

The approved Construction Management Plan associated with the development of the site shall be adhered to throughout the development process.

6. The development shall be carried out in accordance with the mitigation measures set out in the submitted Hepworth acoustics 'Noise Assessment' dated December 2021.

7. The new development shall not be occupied until a scheme for cycle parking in accordance with Bedford Borough Council car and cycle parking standards has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and made available for use before the development is occupied and the cycle parking areas shall not be used for any other purpose without the prior written permission of the local planning authority.
8. The new development shall not be occupied until the scheme for car parking has been properly surfaced and marked out/provided in accordance with the approved plans. The spaces shall thereafter be kept available for parking at all times other than for the servicing of the unit unless otherwise agreed in writing by the local planning authority.
9. The scheme shall not be occupied until a Delivery and Servicing Management Plan has been submitted and approved in writing by the local planning authority. Site deliveries and servicing shall thereafter be carried out in accordance with the approved plan.
10. The scheme hereby approved shall not be occupied until a scheme for ventilation has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme before the development is occupied and thereafter retained.
11. The scheme hereby approved shall not be occupied until details of the construction, roof, design, security and access doorways to the bin storage have been submitted to and approved in writing by the local planning authority. Bin storage and their collection shall be provided in accordance with the approved scheme before the development is occupied and thereafter retained.
12. The new development shall not be occupied until details of all boundary treatments, screen walls and fences have been submitted to and approved in writing by the local planning authority.
13. The retail unit hereby permitted shall not be open other than between the hours of 7.00-23.00.
14. The new dwellings shall be served with an appropriate open access fibre optic infrastructure to enable high speed and reliable broadband connections unless evidence is submitted which demonstrates that providing the required infrastructure is not feasible or economically viable.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), the retail unit hereby permitted shall be limited to use as Class E (as defined in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020).

End of Schedule