
Appeal Decision

Site visit made on 13 August 2025

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 September 2025

Appeal Ref: APP/P1615/W/25/3366667

Royal Oak, Park Hill, Whitecroft, Lydney GL15 4PG

- 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 Mrs Astrid Yhnell-Jones against the decision of Forest of Dean District Council.
 - The application Ref is 01241/24/FUL.
 - The development proposed is the change of use from a pub to a family home (Change of use from A3 to Class C3 use).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a pub to a family home (Change of use from A3 to Class C3 use) at the Royal Oak, Park Hill, Whitecroft, Lydney GL15 4PG in accordance with the terms of the application, Ref 01241/24/FUL, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the unnumbered Location Plan Rev. A dated 30 October 2024.
 - 3) The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of no.2 bicycles have been made available in accordance with details to be submitted to and approved in writing by the local planning authority. The facilities shall be retained and kept available for such use for the lifetime of the development.

Preliminary Matter

2. The description in the banner heading above and my formal decision is taken from the planning application form. However, I have removed the superfluous words that are not acts of development.

Main Issue

3. The main issue is whether the loss of the public house is justified, having regard to the development plan policies.

Reasons

4. The appeal site comprises the existing detached 2 storey public house and adjoining land, which includes a car park and an area of open space. The appeal

proposal seeks to change the use of the building, from a public house with letting rooms at first floor, to a dwelling.

5. Policy CSP.8 of the Forest of Dean Core Strategy, adopted February 2012 (CS) seeks the retention of community facilities, in accordance with the strategic objective to promote thriving sustainable communities. It sets out that development proposals which involve the loss of community facilities, including public houses, will not be permitted unless alternative suitable and convenient facilities are available or will be made available as part of the proposal. Exceptions will only apply where it can be demonstrated that in the case of commercially provided services the facilities concerned are no longer viable and cannot be made so.
6. In terms of alternative suitable and convenient facilities, there are several existing public houses in the surrounding area, including The Miners Arms, a public house and restaurant, which is within the settlement of Whitecroft and only a short walk from the appeal site. While the menu and facilities offered by the Miners Arms may differ from that offered by the Royal Oak, which the appeal submissions indicate included a function room and skittle alley, there is no clear reason why it would not offer alternative suitable and convenient public house facilities to the Royal Oak, including a place to meet and hold functions. I am therefore content that adequate alternative public house facilities exist in the locality to satisfy the needs of the community, including the future occupiers of new residential developments. In light of this, the proposal would not conflict with the aims of Policy CSP.8 of the CS.
7. While I note the Council's contention that the appellant has failed to demonstrate that the public house is no longer viable or could not be made so, given the proposal would satisfy Policy CSP8, in that alternative facilities exist, there is no requirement for any further justification in that regard.
8. The Council's refusal reason cites Policy 20 of the Forest Edge South Neighbourhood Plan 2022-2041, made October 2024 (the NP). Policy 20 sets out that the Plan identifies the community facilities and public open spaces (including those identified in paragraph 15.13 above and shown as 'Community Assets' on the Neighbourhood Plan Policies Map) as important resources for the local community. Proposals for a change of use to non-community uses or which would otherwise result in the loss of the identified community facilities, including those designated as assets of community value, will not be supported unless the site is allocated within the development plan for an alternative use or where specific criteria are satisfied. However, the Royal Oak is not identified as a 'Whitecroft Community Facility' in the list referred to or identified as a 'Community Asset' on the NP Whitecroft Policy Map. Nor is it a designated asset of community value. Accordingly, given it would not benefit from the protection offered by Policy 20, the loss of the public house in this case, would not conflict with the aims of Policy 20.
9. Concern has been raised regarding the loss of other public houses within the wider area. However, I do not have full details in respect of these so I cannot be sure of the specific circumstances. In any case, I have determined the appeal on its own merits, based on the evidence before me.
10. For the foregoing reasons I find that the loss of the public house is justified, having regard to the development plan policies, and would not conflict with Policy CSP.8 of the CS or Policy AP1 of the Forest of Dean Allocations Plan, adopted June 2018, which requires development to be sustainable.

11. The Councils refusal reason also refers to Policy CSP.4 of the CS, which directs new development to sets out the locational strategy for new development, and sets out that most changes in towns and villages will be expected to take place within the existing settlement boundaries. While the appeal site is located beyond the development boundary at Whitecroft, it is however close to the built form of the settlement, which is easily accessible by sustainable modes. As such, while the provision of a new dwelling would conflict with Policy CSP.04 of the CS in terms of location, the Council has not identified any specific harm that would arise in that regard.

Other Matters

12. The Council has identified the Royal Oak as a non-designated heritage asset (NDHA) and based on the evidence before me and my observations on site, I have no reason to disagree. The significance of the building is primarily derived from its social and community use as a public house. The Council contend that the loss of that function would harm the significance of the NDHA. The National Planning Policy Framework sets out that, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The appeal proposal would retain the existing appearance of the NDHA. Moreover, its relevance to the social history of Whitechurch by virtue of its community use would be maintained whether or not the building is used as a public house. Thus, I find that the proposed change of use would have a neutral effect on the significance of the NDHA.
13. My attention is drawn by the Council to an appeal at the Nags Head Inn¹, for a similar proposal. However, the circumstances in that case differ from the appeal before me as the public house was identified as a community asset, as such it is not directly comparable to the appeal scheme.
14. Interested parties contend that further consideration should be given to the listing of the Royal Oak as an Asset of Community Value, however this is a separate process, beyond the scope of the appeal. Moreover, whether the process of de-licensing a public house has not been followed correctly, is not a matter for consideration as part of the appeal.

Conditions

15. In addition to the standard condition controlling the timescale within which the development must commence, a condition is required to specify the relevant plans, in the interests of certainty. A condition to agree details of cycle parking is necessary to promote the use of sustainable transport. The Highway Authority also suggest a condition to require the provision of parking and turning to serve the development. However, as the site benefits from a generous existing car park, such a condition is not necessary.

Conclusion

16. For the reasons given above the appeal should be allowed.

E Worley INSPECTOR

¹ Appeal Ref: APP/P1615/W/24/3355260