
Appeal Decision

Site visit made on 8 August 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th September 2025

Appeal Ref: APP/J2285/W/24/3353942

The Former George and Dragon, London Road, Swanscombe, Kent DA10 0LQ

- 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 Abdul Mumtaz, Zaan Limited against the decision of Ebbsfleet Development Corporation.
 - The application Ref is EDC/24/0022.
 - The development proposed is Change of use from public house (sui generis) to pizza delivery and takeaway (sui generis) and installation of ancillary equipment including extraction duct.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site lies within the Borough of Dartford and, therefore, the development plan comprises the adopted Dartford Plan (2024) (DP). I have had regard to the representations of Dartford Borough Council as the plan-making authority. I note that the site is situated within the Swanscombe Peninsula Major Development Site as identified in the Ebbsfleet Implementation Framework.

Main Issues

3. The main issue is the effect of the proposal on the provision of community facilities within the area.

Reasons

Community facilities

4. The appeal building is a vacant public house. The appellant indicates that it has been vacant since June 2019 and has been marketed since November 2018.
5. Policy M17 of the DP requires that reasonable efforts are made to preserve a community use. Paragraph 88 of the National Planning Policy Framework (2024) (Framework) outlines that planning decisions should enable the retention and development of accessible local services and community facilities, such as meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
6. To demonstrate compliance with policy M17 the appellant is largely reliant on the marketing strategy for the appeal property. It is indicated that during the most recent 12-month period of marketing (and throughout the previous 4-years'

marketing), there has been only one party interested in the site for a community use.

7. While I acknowledge this apparent lack of interest, the strategy appears to have consisted largely of distributing marketing particulars to a selection of local community groups and Councillors. However, it seems to me, that the requirements of policy M17 are more stringent than simply undertaking commercial marketing and encourage more direct and proactive exploration of appropriate solutions to retain the facility. The policy's supporting text highlights that this should include a full search for another operator/provider across the range of community service uses and, where applicable, exploration of appropriate community based solutions, such as the potential for the community to actively manage and maintain the facility.
8. The Development Corporation indicate that to satisfy the requirement in the policy there should be some evidence of more direct engagement other than simply sending marketing particulars. Furthermore, whilst there is evidence of contact with a number of community groups it is unclear whether this has been exhaustive. For instance, there is no evidence that the appellant approached the Kent or Medway Integrated Care Board to assess whether the site could serve a purpose aligned with health or other community services. Nor is there evidence related to the potential for the community to actively manage and maintain the facility.
9. In my view, simply distributing marketing materials of the property falls short of the proactive engagement with relevant public bodies and community groups, or other appropriate organisations to explore the potential for continued community use of the building, as required by policy M17. Therefore, there is insufficient evidence to demonstrate compliance with this aspect of policy M17 of the DP.
10. Policy M17 also outlines that consideration should include any potential future demand arising from new development located within the catchment area of the facility/use. The appeal site is close to the regeneration area as identified in Policy E6 of the DP, which aims to deliver up to 15,000 new homes. Given the likely timescales involved in the delivery of new homes, the main parties agree that it would be unreasonable to wait for the entirety of the residential development to come forward to consider a community use for the site.
11. Nevertheless, the Council refer to newly constructed neighbourhoods at Castle Hill and at Ebbsfleet Cross (Former Croxton and Garry sites), which are said to be fully occupied. However, I note that there are two other, open public houses within Swanscombe, including the Rising Sun approximately 600 metres from the site and The Sun approximately 800 metres from the appeal site.
12. Both public houses are located in easily accessible areas, close to the main residential parts of Swanscombe—unlike the appeal site, which is situated on the town's periphery. These establishments serve their surrounding communities, and are well-positioned to meet local demand. The appeal site has been closed for five years and has not provided any active service to the local community during that time. Any displaced custom is likely to have been absorbed by the remaining public houses in the area. While the Council refers to anecdotal evidence from residents regarding local demand for public houses, I have not been presented with substantive evidence to support this claim.

13. Turning to the marketing of the appeal property, policy M23 of the DP outlines that proposals involving the loss of public houses will only be acceptable where sufficient effective marketing of the premises has been carried out which demonstrates that it is not viable as a public house or for local community (use class F2). Marketing should be proactive and for a continuous period of 12 months or more, using a professional agent and an appropriate range of online, on-site and other advertising media. The asking price should be demonstrated to be reasonable for pub and class F2 use, reflecting the property and its location.
14. The main parties agree that the property was marketed for 12 months between May 2023 and May 2024. A Marketing Report prepared by Sealeys has been submitted and details that marketing was undertaken via a sufficient range of online, on site and other advertising media.
15. The submitted evidence indicates that as part of the marketing exercise emails including marketing particulars were sent to a range of local public, private, voluntary and charity sector organisations in August 2023, with follow up emails in September 2023.
16. The marketing particulars refer to the property as both a public house and a sui generis use, and advise interested parties to seek clarification of the permitted use from the local authority. However, the targeted emails which are included within the marketing report demonstrate that the details were circulated to local community groups who may be interested in acquiring the property for a potential community use. Insofar as the commercial marketing of the property is concerned, I consider that this was a satisfactory approach to local community groups.
17. The Council has expressed concerns that the emails to community groups were issued by the planning consultants rather than the property agents. However, I note that the property agents' contact details were clearly included in the correspondence. Given that the emails contained the marketing particulars for the appeal property, I do not consider this to be a surprising or ineffective method of communication. The emails were also sent to a number of Councillors. Although one Kent County Council Councillor confirmed that the proposal was outside their remit, I note that a number of other local Councillors were engaged.
18. The Council outline concerns that the asking price for the appeal property has not been reduced since a previous planning application at the appeal site in 2020. In determining the planning appeal (Ref: APP/J2285/W/20/3259455) in relation to that application, the Inspector found that they had no basis to question the price sought. Regardless, the marketing report is clear that for the latest 12-month marketing period, the property has been marketed for the lease of the premises, rather than freehold sale. The lease price was set following advice from a qualified agent based on professional judgement and experience of the local market. No specific evidence has been submitted to demonstrate that the lease price is not reasonable to ensure a community use could be secured.
19. The proposal would result in the loss of a community facility for non-community purposes. Whilst I have no basis to question the commercial marketing exercise, for the reasons outlined above, I have found that there is insufficient evidence that the appellant has proactively explored opportunities to retain the community facility with operators/service providers and the local community. Consequently, the proposal would not comply with policies E1, E2, E3, and M17 of the DP insofar as

they require that all reasonable efforts have been made to preserve a community use, and to ensure that Swanscombe benefits from access to better facilities.

20. There would also be conflict with the aims of the National Planning Policy Framework (2024) to 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.

Other Matters

21. There would be benefits associated with the use of the property as a takeaway. These include the occupation of a long-term vacant building, which would generate an active use and frontage, create jobs, attract footfall and benefit the economic vitality and viability of the area and nearby district centre. The occupation of the vacant building would also reintroduce passive surveillance and improve the appearance of the building. Be that as it may, these matters do not outweigh the harm I have identified.
22. The proposal may be compliant with various other provisions of the development plan, including in relation to the location of development and the effect on highways safety. However, the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weigh in favour of the proposal.

Conclusion

23. The proposal would be contrary to the development plan and the Framework taken as a whole. There are no other material considerations which indicate that the decision should be determined other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR