



Appeal Decision

Site visit made on 8 September 2025

by **A Hickey MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 October 2025

Appeal Ref: APP/W2845/W/25/3366285

Black Horse, Main Street, Cold Ashby NN6 6EL

- 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 Paul Kuznecovs against the decision of West Northamptonshire Council.
 - The application Ref is 2024/2784/FULL.
 - The development proposed is change of use of Black Horse public house to community shop and post office.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has provided additional documents in relation to highways, viability and a retail and leisure study. The Council and interested parties have had the opportunity to comment during the appeal process. I consider there would be no prejudice to any party from taking these into account when reaching my decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on highway safety; and
 - whether the proposed development would result in the unacceptable loss of a community facility.

Reasons

Highway Safety

4. The appeal site is located near the junction of Main Street and Thornby Road. Whilst not within a controlled parking zone, there is signage on entering Thornby Road which states single track and no passing places. Whilst not heavily trafficked, I observed parked vehicles on this section of Thornby Road near the junction with a lack of nearby parking spaces.
5. In contrast, and whilst only a snapshot in time, I observed this section of Main Street to have a steady flow of traffic, which is to be expected given it is the main route through the village. There was some parking availability along this section of Main Street. However, the width of the road in conjunction with existing parked

cars resulted in a number of occasions where vehicles had to wait on the bend for passing vehicles in order to proceed.

6. The proposed arrangements would see the appeal scheme utilise the existing car park, with its access close to the junction retained. One space will be allocated to the flat, with the remaining three spaces used for commercial purposes. There is no dispute between the main parties that both the existing use and the proposed use fail to achieve the required on-site parking provision requirements. The appellant further acknowledges that the scheme would leave a shortfall of up to two car parking spaces that would need to be provided through street parking if one onsite car parking space were utilised for deliveries.
7. The proposed reduction of the existing boundary wall would be an improvement to the existing sub-standard visibility splays. Similarly, using smaller servicing vehicles would be an improvement over larger ones that extend beyond the existing carpark, blocking the footway. The provision of a clothing bank within the existing yard at the rear will also enable the community to recycle clothing.
8. However, the proposed use of the building for a community shop, post office and to a much lesser degree a clothes recycling point would likely lead to an increased number of vehicle trips and deliveries over a shorter period than the existing use as a public house. Indeed, the appellant has engaged with shop owners in the surrounding villages, who have confirmed that the location is ideal for passing trade and serving the local residents. This approach therefore suggests that users would not be comprised of predominantly Cold Ashby residents or visitors, but also those who use the village as a through route.
9. Whilst four spaces are to be provided, the car park is constrained, and should a large van undertake deliveries and pickups, this is likely to prevent customers or the occupiers of the first floor from entering or leaving the car park. The additional traffic movements both within and near the site, in an already busy and trafficked area close to the junction road with limited nearby parking, mean vehicles may have to wait on the public highway, causing delays and potentially hazardous highway conditions in the locality. This concern is exacerbated by the limited manoeuvring space available within the site to accommodate occupiers, staff, deliveries and customers.
10. As a consequence of the road layout close to the junction and unrestricted parking in the vicinity of the site, two-way movements of vehicles are not always possible, and additional vehicular movements and short-term parking would further exacerbate this. This could result in conflicting movement in the car park and in the immediate vicinity of the site, worsening the potentially dangerous highway conditions and the safety of highway users, including pedestrians. The appellant's submitted evidence serves to highlight existing instances close by, including a lorry mounting the pavement in this location and appearing to damage the nearby cemetery wall.
11. Therefore, the development raises significant concerns with respect to increases in traffic movements close to a busy junction, vehicles potentially waiting on the highway, constrained car parking provision and conditions likely to result in conflicting movements and hazardous vehicle manoeuvres in the vicinity of the site.

12. I do not have full details of the shops in nearby villages presented by the appellant. Nonetheless, the highway matters raised by this appeal are specific to this scheme, which has been considered on its own merits.
13. For the above reasons, the development would be prejudicial to the safe and efficient operation of the highway network in the vicinity of the appeal site. It would conflict with the provisions of West Northamptonshire Joint Core Strategy (LPP1) Policy R1, which, amongst other matters, seeks to ensure that settlements can accommodate proposed developments in terms of physical, environmental, infrastructure and other constraints. It would also conflict with the National Planning Policy Framework (the Framework), insofar as it seeks development to avoid unacceptable impacts on highway safety.

Community facility

14. The appeal building is a presently closed public house in Cold Ashby village, on the main thoroughfare. The appeal building was designated as an Asset of Community Value (ACV) in February 2021. The appeal scheme seeks to change the use of the building to a community shop and post office with living accommodation to remain above.
15. Collectively, Policy RC2 of LPP1 and Policy CW3 of the Daventry District Settlements and Countryside Local Plan 2020 (LPP2) seek to resist the loss of public houses as a community facility unless certain circumstances can be demonstrated.
16. The village of Cold Ashby is identified as an 'other village' in the settlement hierarchy set out within the development plan. LPP2 Policy RA3 notes other villages perform a predominantly local role in providing a limited number of services and facilities for their residents.
17. The supporting evidence indicates that the wet-led public house ceased trading in March 2020, albeit it appears to have temporarily reopened as a non-licensed community venue before closing again and was subsequently placed on the market.
18. As background, I understand that there has been interest in the building with several enquiries, albeit no leasehold offers have been received. The evidence also indicates ongoing interest with an offer refused from a community group that, due to the value offered alongside it being a conditional offer, resulted in it being turned down.
19. I acknowledge there is a dispute over the valuation of the business and its viability. The issue of viability is a broad subject made more difficult by the fact that the premises ceased trading as a public house some years ago. However, viability is only one aspect of gauging how attractive to the market the existing permitted use of the building is as a public house.
20. The evidence before me indicates that concerns from potential suitors include a lack of adequate kitchen extraction. However, sales particulars¹ provided show that a kitchen is under construction. It is unclear why adequate ventilation is not included or cannot be included as part of the new kitchen installation.

¹ Appendix D: Sales Information - planning, design and access statement incorporating viability assessment: Ref 7375

21. Moreover, whilst I have had regard to the appellant's submitted viability evidence, which identifies works to improve the building, it appears that since its closure, much of the inventory has been removed, such that a new fit-out would be required to recommence its use as a functioning public house.
22. I am unable to determine the costs of these refit works, as much of the viability information costs are redacted. Nonetheless, this is likely to be a considerable cost. Moreover, there is no compelling evidence beyond a general assumption that the fixtures and fittings were not fit for purpose before removal. I am therefore concerned that the values sought for the public house are not a true value based on the lawful use. As such, regarding the marketing issue, I find that while the scheme may have been marketed for over 12 months, I cannot conclude that the use of the building as a public house is no longer attractive to the market.
23. The evidence before me suggests there are several other licensed premises and community facilities in Cold Ashby. However, the appellant's evidence acknowledges that Memorial Village Hall is not a substitute for a village pub. The appellant's evidence also identifies that other community facilities, such as the Pavilion and golf club, are not suitable alternatives. I see no reason to disagree, as the overall service provided by a public house differs from these identified community facilities.
24. I have had regard to the findings of the Retail and Leisure Statement² and the proximity of existing public houses. The closest public house would be in Thornby. During my site visit, I observed that routes to this alternative public house would be along unlit roads without footways. Routes to other public houses at other settlements would involve greater distances from the appeal site, with similarly uninviting pedestrian routes.
25. Consequently, I find the stated public houses would not be of a sufficient alternative equivalent, having regard to their contribution to the settlement's role in the settlement hierarchy and when taking into account accessibility. This would match the findings of the Inspector in the previous appeal³. It was found that the loss of the appeal building as a public house would result in a situation where alternative equivalent facilities to fulfil the role of the village in the settlement hierarchy would not be reasonably accessible in the village or immediate locality.
26. The appellant's evidence makes clear that the purpose of the application is to provide a service to the local community. The proposal would secure employment within the local area by creating jobs in the business and in the supply/delivery chain. However, this would be offset by the loss of employment in the public house business, and the overall benefits would be, at best, modest.
27. The proposal would secure a viable and active use for the building, providing a service not currently available in the village. However, such benefits would also accrue were the building to be reopened as a public house. Consequently, it is clear that the limited community benefit and wider public benefit of the proposal would not outweigh the loss of the public house as an ACV or overcome the harms to highway safety.

² Retail and Leisure Statement, dated April 2025 prepared by MA Planning

³ REF: APP/W2845/W/23/3318780

28. For the above reasons, the proposed development would result in the unacceptable loss of a community facility. The proposal conflicts with Policies SA, S1, RC2 of the LPP1, and Policies RA3, CW3 and ENV10 of the LPP2. Collectively, these policies seek to manage development in accordance with a settlement hierarchy, to ensure that settlements and places are sustainable, and to prevent the unnecessary loss of community facilities. The proposal conflicts with paragraph 98 of the Framework, which seeks to ensure that planning decisions 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

29. Section 38(6) of the Planning and Compulsory Purchase Act provides that the appeal should be determined in accordance with the development plan unless material considerations indicate otherwise. The Council's development plan policies are broadly consistent with the relevant sections of the Framework, and I have afforded them full weight.
30. The appellant's comments in relation to the availability of a Council viability report are noted. It would have been useful had the appellant been provided with a copy. Nonetheless, sufficient evidence has been presented in order to allow me to reach a decision on the identified main issues. Matters related to a Freedom of Information request fall outside the scope of this appeal.
31. A lack of harm in relation to design, neighbour amenity and fire/police safety does not overcome the harms I have identified above.
32. A significant number of objections have been submitted against the appeal scheme. However, as they would not alter the outcome of the appeal scheme, I have not considered them further.

Conclusion

33. For the reasons given, I conclude that the development conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with the development plan, and therefore, the appeal is dismissed.

A Hickey

INSPECTOR