



Appeal Decision

Hearing held on 15 January 2026

Site visit made on 15 January 2026

by **Lewis Condé BSc, MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 March 2026

Appeal Ref: APP/C3105/W/25/3372504

The Bell Inn, Manor Road, Great Bourton, Oxfordshire OX17 1QP

- 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 James Day against the decision of Cherwell District Council.
 - The application Ref is 24/03218/F.
 - The development proposed is change of use of The Bell Inn Public House (Sui Generis Use) to use as a dwellinghouse (Class C3 Use) and associated minor external alterations to the building and works.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for the award of costs has been submitted by Mr James Day against Cherwell District Council. This is subject to a separate decision.

Preliminary Matters

3. Late evidence was submitted by the Save The Bell Inn Group (herein referred to as STBIG) in the lead up to the hearing. Through discussions at the hearing, I found there to be no exceptional reasons as to why the late evidence should be accepted. It has therefore not been considered in reaching my decision.
4. At the hearing the Council suggested it was likely that the change of use of the site had already occurred such that the development has been commenced. It is not however, the purpose of this appeal to determine whether the development has occurred but instead whether the scheme before me is acceptable.

Main Issue

5. The main issue is whether it has been demonstrated that the public house is no longer financially viable in the long term.

Reasons

6. The Bell Inn public house (herein referred to as 'the pub') is located within the village of Great Bourton, a small settlement on the outskirts of Banbury.
7. The pub was historically owned by Hook Norton Brewery (HNB) and operated by tenants as a tied house. HNB states that it traded successfully for more than 100 years until late 2019, when commercial disruption—exacerbated by the COVID-19

pandemic—resulted in a succession of tenants-at-will. Alongside changes in trading environment this led HNB to conclude that it could no longer sustain an occupying tenant and that the pub no longer aligned with its business objectives. The pub ceased trading in January 2023, after which HNB took vacant possession and elected to sell the property.

8. Following an approximately 15-month period of marketing, the appellant purchased the property in July 2024 and has since undertaken extensive renovations. The premises has not, however, re-opened as a public house.
9. Representations, including those made at the hearing, make clear that the pub constitutes a valued community facility and offers an important social function for local residents. Its status as an Asset of Community Value (ACV) reinforces this. Although patronage may have declined prior to its closure, this does not in my view, diminish its social importance; it is also likely that falling visitor numbers were significantly influenced by the way the pub was managed at that time.
10. Saved Policy S29 of the Cherwell Local Plan 1996 (the CLP) establishes that proposals that involve the loss of existing village services which serve the basic needs of the local community will not normally be permitted. The supporting text emphasises the importance of such services—including public houses—and states that the Council will seek to resist their loss whenever possible, but recognises that this will be difficult when such facilities are proven to no longer be viable in the long-term.
11. The National Planning Policy Framework (the Framework) similarly seek to safeguard against the unnecessary loss of local services and community facilities, including public houses. Although the viability of community services is not explicitly referenced within the Framework, I find Saved Policy S29 of the CLP to be consistent with the relevant aims of the Framework.
12. Saved Policy S29, or its supporting text, do not distinguish between different business models when considering viability, nor do they prescribe how long-term viability should be assessed. Accordingly, I consider it necessary to examine whether the pub is viable as a facility, noting that the policy places the onus on the appellant to justify its loss. From discussions at the hearing, I also accept that long-term viability must be assessed at the point the issue is raised.
13. The Council's pre-application advice identified several types of evidence expected to support a change-of-use application, including the last three years of trading accounts, a facility-based viability appraisal, full marketing information (including feedback from prospective purchasers), and an overview of the local pub market. While this level of evidence is not explicitly required by policy or adopted guidance, I consider the requested information to be typical of that sought to undertake a thorough assessment of public house viability.
14. Recent trading accounts would have been valuable in assessing viability. Still, there are legitimate reasons surrounding the ownership of trading accounts for tenanted pubs that means these will frequently be unavailable. Although their absence may hinder the assessment, it does not, in itself, prevent a realistic evaluation of viability, provided robust alternative evidence is available, including detailed estimates of future trading potential.

15. Additionally, whilst the absence of trading accounts may increase the perceived risk for potential investors, the appellant's evidence indicates that this is a common feature of the sector. I am therefore not convinced by the appellant's view that the absence of trade records demonstrates a direct and likely negative consequence on the issue of a pub's economic viability.
16. In the absence of accounts, the appellant has provided an estimate of potential turnover. The estimates, along with an assessment of viability, have been prepared by Fleurets a leading agent in the leisure and hospitality sector. The estimates of turnover have been based on several factors including HNB's historical beer-supply data, the property's rateable value history, and financial information available from other public houses currently for sale in Oxfordshire. This estimate suggests the pub could achieve potential annual sales of £260,000 (approximately £5,000 per week).
17. While such estimates inevitably involve a degree of speculation and variation—particularly where data from other establishments or from a previous operator's model is used—I do not regard the appellant's projected annual sales figure to be unreasonable. Similarly, the estimated overall gross profit margin of 64% (equating to £166,400) appears realistic and broadly consistent with industry expectations.
18. Against the above, Fleurets' viability appraisal identifies various deductions for operating costs and overheads, and then applies finance costs on capital to arrive at an estimated annual net profit of around £12,000 (before operator remuneration). In respect of the operating expenses/overheads, the percentage figure used appears realistic when measured against industry norms, with adjustments to reflect recent external pressures, such as rising labour costs.
19. Turning to the costs of finance on capital, this accounts for the freehold purchase of the site, as well as comprehensive refurbishment to allow subsequent recommencement of a public house use. Indeed, the appellant sets out that to date he has spent approximately £300,000 refurbishing the property. This is said to include addressing the physical defects with the building resulting from past under-investment and the property lying vacant for a prolonged period.
20. Additionally, based upon consultant estimates, the appellant further identifies that approximately £145,000 would still need to be invested to bring the property into a physical condition and suitably furnished and equipped ready for the commencement of trade. However, I have fundamental concerns about the legitimacy of these figures and accordingly also have reservations about the final annual net profit figure that they inform within the appellant's viability appraisal.
21. I find the appellant's consultant reports/statements¹ concerning the past condition of the property, the extent and cost of works undertaken, and the works said to remain, to have significant limitations. For example, in respect of the parts of the building inspected, the timing of those inspections, as well as the level and robustness of detail supporting the recommendations made.
22. Although the DoyenLand Report (July 2025) provides a breakdown of the appellant's refurbishment expenditure previously incurred, there is no robust evidence before me to substantiate the necessity of these works—such as a

¹ Including statements from Stable Architecture 'Initial Visit' and 'Initial Advice'; Building Survey & Feasibility Study (Dated 29 July 2025) prepared by DoyenLand (the 'DoyenLand Report').

building survey undertaken at purchase or detailed survey findings on the property's condition prior to renovation. Given the age of the building and the scale of both the purchase and remedial costs, I find it surprising that no such surveys were commissioned before the works were carried out. The appellant's architect has provided a list of works that were suggested based on a visit in September 2024, but these do not appear to be supported by detailed investigations, while also appear to be orientated towards the pub's potential future change of use. Furthermore, the refurbishment expenditure stated to have been incurred has not been adequately verified, for example through invoices, receipts or other similar supporting documentation.

23. From my own observations, the works undertaken appear to be of a very high standard, exceeding what may typically be required for the effective operation of a public house. Whilst the works may not have required planning permission, the decision to invest to this specification, potentially with an eye to future alternative use, was a matter of risk assumed by the appellant. However, I have been provided with neither convincing evidence of the total costs incurred nor justification that works of this extent were necessary to secure the pub's long-term operation.
24. The work that has been carried out at the pub, including the removal of the bar area, removal of signage, removal of the kitchen and stripping out of customer toilets, has likely adversely affected the viability of the public house use. Yet there is no evidence of the property having been re-marketed at a value reflecting its current condition and lawful use. Nor has any robust valuation of the property been put before me.
25. In addition, I am not persuaded that the extent of works the appellant identifies as necessary to bring the pub back into operation is justified. For example, the need for upgrades to an external store, or the strengthening of oak posts and beams given that such need has not been supported by structural engineering calculations.
26. Fleurets indicated at the hearing that, even if the additional costs of reinstating the pub to an operational condition were excluded, this would merely reduce capital-finance costs from its viability appraisal, but would still not render the property capable of providing a suitable return on investment for a commercial operator.
27. The view that the pub is not commercially attractive or commercially viable is also generally supported by HNB's rationale for disposal, the finding of the Council's independent review² of the appellant's original viability assessment, as well as previous marketing of the property.
28. The pub was marketed by a division of Savills' specialising in the licenses and leisure property sector. It was advertised for sale for approximately 15-months until its purchase by the appellant. This included advertisement on Savills' and relevant third-party websites, bespoke e-marketing campaigns targeted to registered applicants, as well as signage erected at the site. During this period, the initial asking price of £450,000 was reduced to £395,000, and subsequently to £350,000.

² The Bell Inn Manor Road, Great Bourton, Banbury, Oxfordshire OX17 1QP Viability Report (dated March 2025) – prepared by Andrew Gollard Associates.

29. The evidence indicates that interest during the marketing period was limited, with few viewings. Feedback from prospective purchasers seeking to continue the pub or a restaurant/hospitality use highlighted constraints that rendered the premises unsuitable for their operational requirements.
30. At the hearing, it was confirmed that the appellant purchased the property for approximately £305,000, significantly below the final asking price. Although STBIG raised concerns regarding the limited period for which it was marketed at its final reduced figure, I am satisfied that the marketing was sufficient to demonstrate that the property was available for purchase. Given the extent and duration of the marketing campaign, it is reasonable to conclude that any realistic commercial interest in continuing the pub use would likely have materialised.
31. Taken together, the evidence from HNB, the previous marketing campaign, constraints with the building and its location, the market overview evidence from Fleurets, and the estimates of revenue and gross-profit margins all point to the pub being an unattractive prospect—and highly unlikely to be viable—for a commercial operator requiring an appropriate return on investment.
32. Even if the pub is not viable for a commercial operator, the Council and STBIG contend that it could be viable under an alternative model, namely as a community-owned enterprise. Such an operation would not be subject to the same requirement to secure a commercial return on investment. While there may be no specific guidance on assessing the viability of a community-owned public house, I consider it remains a necessary consideration in light of Saved Policy S29 of the CLP and is therefore a matter of planning judgement.
33. Based on the discussions at the hearing, I consider that a community-owned public house can only be regarded as viable if it is able to meet its ongoing operational expenses, including any relevant repayment of borrowed funds required to purchase the property or to resume trading.
34. The STBIG comprises members with a broad range of professional backgrounds and has prepared a detailed business plan, supported by input from experienced publicans. The plan is principally informed by the operation of another Oxfordshire public house which appears to share contextual similarities with the appeal property and has seemingly achieved renewed success under a different management approach. STBIG's plan also recognises and adjusts for the differences between the two pubs, including matters such as trading capacity.
35. The STBIG projections are based on a food-led offer and include allowance for building up of trade. The estimates indicate that, once established, the core pub business could achieve a turnover of around £412,000 (£8,000 per week) with a gross profit of approximately £279,000. After operating costs, STBIG estimate that a net profit of roughly £60,000 (14.6%) could be achieved before finance costs.
36. I do not have specific details of the publicans that inputted into STBIG's business plan nor can I verify the financial performance of the comparator public house on which it is based. Still, the business plan appears suitably comprehensive. Furthermore, whilst STBIG's sales projections and gross profit margins are higher than those reported in the Fleuret's viability appraisal, the appellant's agent has indicated that they would not be unreasonable for an experienced operator to achieve.

37. The absence of first-hand pub-management experience within STBIG does not lead me to conclude that its projections for sales and gross profit margins are unachievable. The business plan is explicitly based on securing an experienced landlord or operator to run the premises. I am also satisfied that, while risks undoubtedly exist, a community-ownership model could offer benefits that may help attract suitably experienced operators.
38. Likewise, although the property's size, location and competition from other venues may pose challenges for operating the food-led model proposed by STBIG, these factors do not lead me to conclude that its projections are unreasonable.
39. The STBIG financial projections do not include the capital costs associated with purchasing the property. Whereas the appellant's argument that the pub would be unviable as a community run enterprise is largely based on the financial costs associated with its purchase and bringing it up to a standard to resume operating. Some of the likely costs associated with the appeal site appear to be as a direct consequence of works undertaken to the property by the appellant. Moreover, as previously set out I have also not been presented with a robust valuation of the pub, nor has the property been re-marketed for sale at a value to reflect its current condition or pub use.
40. Even if local residents, including those involved with STBIG, have previously raised substantial funds for other community projects, the evidence before me indicates that only a very limited sum has so far been raised in support of their aim to re-establish the village pub.
41. Notwithstanding the limited funds raised to date, it was evident at the hearing that there is considerable local support for STBIG's proposal. It was also clear that both the Parish Council and the wider community have taken an active interest in the future of the property; however, the momentum behind establishing STBIG, and the prospect of a community-owned public house, only developed once it became apparent that the pub's continued use was at significant risk. As the property has not been re-marketed, STBIG has not had a realistic opportunity to pursue the necessary funding in connection with a potential purchase; whether through a mix of grants, crowd-funding or loans. I also found credible STBIG's explanation for not pursuing the premises when it was previously marketed, as well as its assessment of the group's likely ability to raise funds and secure professional advice if the property were offered for sale again.
42. The appellant's stated intention not to sell the property if planning permission is refused does not amount to evidence that a continued pub use is unviable, nor does it justify allowing the appeal.
43. Although other public houses in the wider area have closed in recent years, I do not have sufficient information on the circumstances of those closures to make meaningful comparisons. While these may reflect broader sectoral challenges, they again do not establish that the appeal site is itself unviable. Conversely, I have been presented with evidence of a nearby pub that has flourished under a different business model, along with information indicating that community-owned pubs have a notably high success rate.
44. Bringing the above together, although the future viability of a public house will inevitably depend on factors such as purchase price, available finance and the extent of any borrowing, the evidence before me does not sufficiently demonstrate

that a community-run enterprise would be unviable. Accordingly, it has not been shown that the use of the appeal site as a public house is no longer viable in the long-term. I therefore find that the proposal conflicts with Saved Policy S29 of the CLP, which seeks to protect village services.

45. In reaching this conclusion, I recognise that the hospitality sector—particularly public houses—is facing a challenging period, due to increased operational costs, regulatory changes and wider societal trends, as reflected in the appellant's evidence. However, these are largely macro-level pressures and, while they increase risk, they do not demonstrate that the Bell Inn itself is unviable.

Other Matters

46. The appeal site lies within the setting of the Church of All Saints and associated Lychgate (both Grade II Listed). The significance of these heritage assets largely lies in their age, architectural quality, stature, and historic associations with the village. The setting of the Church and Lychgate, positioned at the heart of the village and closely surrounded by buildings that share a cohesive rural character—including the appeal building—creates a pleasing and intimate environment that contributes positively to the significance of these heritage assets.
47. The proposed external alterations would be sympathetic to the host building and the surrounding area and would not harm the setting of the listed buildings. Although the Bell Inn's name has associations with the Lychgate opposite, and the pub is likely to have served church visitors for many years, there is no robust evidence of any formal relationship between the buildings, and the pub's name is not protected. I therefore conclude that the change of use, together with the proposed external works, would not harm the significance of the designated heritage assets.
48. It is suggested that the local population has not previously supported the business sufficiently such that it is unlikely to in the future. The appellant though has not re-opened the premises as a public house since purchasing it, meaning there has been no recent opportunity for the community to demonstrate support. The level of interest shown by third parties during the application process and at the hearing indicates that there remains an appetite for a well-run public house.
49. The appellant identifies other public houses in the wider area as providing suitable alternatives. Given their distance from the appeal site, and the rural nature of the surrounding road network, these would likely require car access for local residents. Moreover, the presence of other pubs does not, in itself, demonstrate that the appeal property no longer serves an important function or that it is unviable.
50. While other community facilities exist within the village, including the Community Hall and Village Hall, they operate in a fundamentally different manner and do not offer the same function as a public house. I therefore do not consider them comparable or to act as suitable alleviation for the loss of the public house use.
51. Main parties agree that whilst the site's ACV status reflects its value to the local community, and is a material consideration, the ACV status itself carries limited weight and should not be a determining factor in the decision. I see no reason to reach a different view. Nor do I consider that the appellant circumvented the ACV process, as the community could have nominated the pub for ACV status at any time, not solely once the use appeared to be under threat.

Planning Balance

52. Part of the public house has historically been used for accommodation purposes, still, the proposal would contribute a family home in an area where there is currently a shortage of housing supply. There would also be socio-economic benefits associated with the delivery and subsequent occupation of a dwelling within a generally sustainable location. Given the scale and nature of the proposal, such benefits would though be modest.
53. Compliance with development plan policies—including those relating to living conditions, highway safety and design —represent neutral considerations in the overall planning balance.
54. Through being contrary to Saved Policy S29 of the CLP the proposal conflicts with the development plan as a whole. The policy, although dated, remains consistent with the aims of the Framework. As such, I give significant weight to the conflict with the development plan.
55. The application involves the provision of housing. From the evidence before me the Council is unable to demonstrate a five-year housing land supply, with the identified shortfall of supply significant at around 3.1 years. Paragraph 11d) of the Framework is therefore engaged, while the application of policies in this Framework that protect areas or assets of particular importance do not provide a strong reason for refusing the development proposed.
56. The proposal would accord with the Framework's objective to significantly boost the supply of housing and its recognition that small-scale developments can play an important contribution to meeting housing needs. Nonetheless, as the scheme comprises a single dwelling, the benefits would be modest. There would be some socio-economic benefits arising from the conversion works and subsequent occupation of the dwelling, while the use of brownfield land and the site's location also align with relevant elements of the Framework. These benefits also attract only modest weight due to the limited scale of the proposal.
57. Against the above, the appeal scheme is contrary to the Framework in terms of the support it provides for the retention of accessible local services, including pubs, in rural communities and also where it seeks to guard against the unnecessary loss of valued facilities. These are matters to which I give significant weight.
58. Consequently, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The presumption in favour of sustainable development therefore does not apply.

Conclusion

59. The appeal scheme conflicts with the development plan as a whole and there are no material considerations, including the provisions of the Framework, that indicate a decision should be taken other than in accordance with it. The appeal is therefore dismissed.

Lewis Condé

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr M. Harris – Freeths (Planning Consultant)

Mr S. Vargas Pritchard – Freeths (Planning Consultant)

Mr M. Barnes – Fleurets (Viability Consultant)

FOR THE LOCAL PLANNING AUTHORITY:

Mr N. Stock – Development Management Team Leader

Mr J. Halleron-Kerr – Enforcement Officer

Councillor C. Brant – Elected Member for Cropredy, Sibfords and Wroxton

INTERESTED PARTIES:

Mr D. Drummond (Save the Bell Inn Group)

Mr C. Handler (Save the Bell Inn Group)

Dr H. Griffiths – (Local Resident)

Mr N. Hardy (Local Resident)

Mr N. Dale Harris (Local Resident)

Mrs P. Dale Harris (Local Resident)

Mr K. Haugh (Local Resident)

Mr M. McCann (Local Resident)

Mr J. Melrose (Local Resident)

Mr J. Ong (Local Resident)

Mrs S. Ong (Local Resident)

Mr Anthony Rose (Local Resident)

Mr Iain Steel (Local Resident)

Mrs S. Upton (Local Resident)

Mr C. Ventre (Local Resident)