

Appeals Progress Report

1. New appeals

- 1.1 A new appeal has been lodged against the refusal of planning permission 23/00004/REFUSE for: *'Retention of boundary fencing and electric gates to front boundary'* at **27 Church Road East, Farnborough**. This application was determined under delegated powers (23/00055/FULPP) and will be dealt with by the Planning Inspectorate using the Householder Planning Appeals fast-track procedure.

2. Appeal Decision

- 2.1 Appeal against refusal of planning permission 21/00476/FULPP for "Change of use from pub at ground floor to grocery shop" at **The Royal Staff, 37a Mount Pleasant Road, Aldershot**. The Development Management Committee refused planning permission at the 16 September 2021 meeting for the following reason:

"The application has not been supported by sufficient evidence to demonstrate that there is no-longer term need for the public house. In this regard, the proposal conflicts with Policy LN8 of the Rushmoor Local Plan and the requirements of the adopted 'Development Affecting Public Houses' supplementary planning document and would thereby give rise to the loss of a community facility with the status of an Asset of Community Value."

The appeal was considered under the Written Representations procedure and the Inspector's decision issued on 20 July 2023.

- 2.2 The Inspector considered the main issues for the appeal to be the effect of the proposed development on community facilities. In this respect, the Inspector noted that the Royal Staff was a wet-led pub within a well populated residential area without dedicated parking and therefore that trade is likely to come from this vicinity. There are also three other pubs operating within 800m which offer comparable facilities (The Golden Lion, The Crimea Inn and the Red Lion, which also offers food). Nevertheless, whilst the Appellant argued that these factors had led to the decline of the Royal Staff along with the general reduction in pub attendance, the Inspector stated that pubs are important community facilities. Furthermore, the Royal Staff had also been designated as an Asset of Community Value. Although the Inspector conceded that, in the main, this related to provisions for any sale of the pub, they nevertheless considered that this demonstrated that the pub was regarded to be of value to the local community.
- 2.3 Policy LN8 of the Rushmoor Local Plan 2014-2032 states that the loss of a public house will be permitted where it is proven there is no longer-term need

for the facility. The Council's Development Affecting Public Houses' Supplementary Planning Document (SPD) provides further guidance and details that both marketing and reasonable efforts to preserve the facility must be demonstrated. In terms of marketing evidence the Inspector noted that it was disputed that the asking price for the Royal Staff was reasonable and, indeed, that the Appellant's figure of £650,000, subsequently reduced to £550,000 were unsupported by objective analysis. The Council had provided evidence that the nearby White Lion Pub was sold for £261,000 in 2021; and that, although the Jolly Sailor Pub had been under offer in June 2021 for £600,000, this site had planning permission for a change of use to residential. Consequently, the Inspector concluded that there was no evidence that the Appellant's valuation of the Royal Staff was appropriate.

- 2.4 The Inspector also considered the financial evidence submitted by the Appellant in the form of un-audited profit and loss accounts for the pub indicating that it had been loss making since 2016. It was also noted that some attempts had been made to diversify the pub business since 2016 with quiz nights, live music, pool leagues and karaoke. Food had reportedly also been served in the past from the small trade kitchen, although this ceased due to its viability. However, the Inspector was not provided with any evidence from the Appellant to demonstrate how long the attempts at diversification had been undertaken and, as such, the Inspector was not satisfied that reasonable efforts have been made to preserve the public house use.
- 2.5 The Appellant's submissions did not persuade the Inspector that an operator could not run the Royal Staff as a viable pub. The Inspector noted that the license of the pub had been revoked for reasons including crime and disorder on the premises, and the management response to this, as well as public nuisance as a result of customers using the street rather than the designated garden area, the Inspector was not however of the view that these issues could not be resolved with effective management.
- 2.6 In conclusion, in the absence of evidence of the type required by the Council's SPD, the Inspector considered that the proposed development would have a harmful effect on community facilities; and, consequently, would be contrary to Local Plan Policy LN8 and the advice in the SPD.

Decision : Appeal Dismissed

3 Recommendation

- 3.1 It is recommended that the report be **NOTED**.

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