**LOSS OF VALUED LOCAL FACILITY**

**Dismissed Appeals**

White Lion, St Leonards, Bucks (233) (2016) 3130705/3131920

Loss of community facility would be contrary to local plan and NPPF. Insufficient evidence presented to demonstrate non-viability.

Dukes Head, Coddenham, Suffolk (236) (2016) 3143123

Unacceptable loss contrary to NPPF and local plan policies. Clear evidence from ACV registration and formation of Save the Dukes Head Group that locally valued.

Bantam, Burghfield Common, Reading (241) (2016) 3138150

Pub had been run down, with little investment and poor management. Loss of valued community facility not adequately justified.

Ermine Way, Ancaster, Lincs (242) (2016) 3153467

Decision features especially rigorous interpretation of NPPF requirement to safeguard valued facilities and services.

Dolphin, Althorpe, Lincs (249) (2016) 3150479

Retention of pub has generated considerable support within the community and has been ACV listed, so can be deemed to be a key local facility.

Yew Tree, Chew Stoke, Bristol (251) (2016) 3147896

Loss of valued community unacceptable even though other pub and clubs in small village.

Red Lion, Fosters Booth, Northants (255) (2017) 3170758

Clearly valued by local people and ACV listed. Loss would cause considerable harm to community.

Gainsborough Arms, Milborne Port, Somerset (256) (2017) 3164977

Proposed conversion to convenience store would reduce opportunities for social interaction and result in harmful loss of community facility.

Oak, Charing, Kent (259) (2017) 3156139

Proposed conversion to A3 would harm social well-being because of restricted hours. Possible micro-pub no substitute. ACV listed.

Old Centurion. Walton, Cumbria (277) (2016) 3153439

Valued community facility would be lost. No material considerations put forward to justify such a loss.

Henry Jenkins, Kirkby Malzeard, North Yorks (293) (2018) 3184236

Proposed development would lead to unjustified loss of a community facility.

White Horse, London E1 (311) (2019) 3218678

Not demonstrated that no longer a local need for the facility or that the business could not be viable.

Eagles Inn, Cressage, Salop (313) (2019) 3210027

Not demonstrated that there was sufficient justification for the loss of the community facility.

Silver Hind, Sway, Hants (323) (2019) 3203501

Loss of pub conflicted with development plan because of harmful loss of community facilities. Harm also caused to character and appearance of area.

Tally Ho, Canterbury (338) (2020) 3238239

Proposal conflicted with local and national policies on loss of community facilities. No evidence that different operator could not be successful.

White Horse, London E1 (370) (2021) 3260969

Not demonstrated that all reasonable efforts made to preserve valued pub facility. Not satisfied that marketing adequate or that a viable pub use could not happen.

Royal George, Stagsden, Beds (377) (2021) 3263289

Insufficient evidence produced that opportunities to sell or tenant the pub had been fully explored. Not accepted that village too small to support a pub.

Crealock Arms, Littleham, Devon (379) (2021) 3269314

Little evidence to show that the facility is no longer valued/needed. Desired change of use stems more from applicants wanting to leave than from failings in the business.

Jolly Fisherman, Dagenham (382) (2021) 3257655

No evidence submitted to show that the loss would not lead to a shortfall in local pub provision. Marketed for only a short period.

Plough & Fleece, Cockfield, Suffolk (384) (2021) 3269479

Sporadic opening plus ‘event management and day-to-day trading issues’ appeared to have been contributory factors in the pub’s decline. Flimsy marketing evidence.

Admiral Mann, London N7 (385) (2021) 3276548

Application for three year temporary change of use to HMO. No evidence that pub not valued by local people or that other facilities could meet their needs. Temporary use would not be conducive to returning building to pub use.

Anchor Inn, Mistley, Essex (387) (2021) 3269838

Not demonstrated that there is no need for the local facility, that it is no longer viable or that reasonable efforts have been made to sell it.

White Swan, Thornton le Clay (404) (2023) 3294193

Confirmed as a facility that contributes significantly to the well-being of the community. Weight given to ACV registration. Purchase price not a true reflection of property’s value.

Red Lion, Biggleswade (413) (2024) 3313193/9

Clear that pub was a valued local facility. No compelling evidence of non-viability or of any effort to market pub as a pub.

Fox & Hounds, Bedford (439) (2024) 3332432

Change of use would undermine Local Plan policy of retaining community facilities. Efforts to market freehold insufficiently robust.

**Allowed Appeals**

Tea Clipper, London SW7 (162) (2013) 2184334

No loss of valued local facility – many other pubs in area and no community protest.

Red House, Leamington Spa (172) (2013) 2200963

Wide choice of alternative pubs nearby, sufficient to meet the needs of the local community.

Alexandra, London N2 (190) (2015) 3001921

Despite being ACV, not “universally valued” by wide enough cross-section of community. Other pubs nearby.

Zebra, Cambridge (192) (2015) 2229109

Accepted that conversion to a shop meant now had no status as a community facility so further conversion to residential OK.

Three Horseshoes, Brotherton, Selby (195) (2015) 3011293

New use as a gym considered to be an acceptable community use.

Plough, Coddington, Notts (235) (2016) 3151592

Objections by local people to loss of pub but “these did not form part of the Council's reasons for refusal”. Inspector satisfied that level of resultant harm would be low.

Royal Oak, Nunnington, N.Yorks (326) (2020) 3223570

Suitable and accessible alternatives exist in surrounding area (nearest is 2.5 miles away!).

Horseshoes, Asfordby, Leics (442) (2024) 3333961

Change of use is to food store and community cafe so no loss of community facility.

Blue Lion, North Pickenham, Norfolk (452) (2024) 3356255

Weekly pub event within community building sufficient to meet needs of local population.

**VIABILITY**

**Dismissed Appeals**

Black Hart, Thorney Toll, Cambs (220) (2016) 3135445

Closed since 2012. Insufficient substantiated evidence on viability to justify loss of pub, having regard to local and national planning policy.

Cherry Tree, Belchamp St Paul, Essex (229) (2016) 3136819

Since pub closed in 2013, no efforts had been made to promote the retention of the village facility as required by NPPF and local plan so non-viability not demonstrated.

New Plough, Covenham St Batholomew, Lincs (231) (2016) 3139947

No conclusive evidence of non-profitability. ACV listed and community interested in buying. No clear and convincing evidence that the facility is not viable in the long term.

Dukes Head, Coddenham, Suffolk (236) (2016) 3143123

Evidence that pub had been unwelcoming and run down with no food served and garden unused. Effective and enthusiastic operator could make business successful and viable.

Cross Keys, Henley, Ipswich (238) (2016) 3143228

Not demonstrated that sufficient attempts made to maintain a viable pub or consider diversification. Inspector addressed “relevant aspects” of the PHVT “as an integral part of my reasoning”

Fox & Hounds, Barley, Herts (248) (2016) 3154356

Council had commissioned its own viability report following receipt of an 'independent' report paid for by the applicant. Inspector considered it a 'balanced assessment, which concluded that the asking price needed to be lowered to enable a profit to be made. No reason why the pub could not attract sufficient trade to be viable. PHVT described as 'widely respected'!

Dolphin, Althorpe, Lincs (249) (2016) 3150479

Inspector not persuaded that could not be a commercial proposition, especially given past success.

Old House at Home, Newnham, Berks (262) (2017) 3169774

Viability issues examined at some length. Conclusion – not demonstrated it is no longer practical, desirable or viable to retain the pub use.

Red Lion, Ampney St Peter, Gloucs (274) (2017) 3175535

Premature to claim could not be made viable. Insufficient evidence of lack of need for pub and that suitable replacement facilities exist.

Hatchet Inn, Childrey, Oxon (327) (2020) 3237812

Not sufficiently demonstrated that a viable pub business could not be operated. No evidence of attempts to address reduction in turnover via new operating model.

Three Horseshoes, Sidlow, Surrey (345) (2020) 3244966

Current business shown not to be viable but not demonstrated that another operator could not be successful.

New Inns, Brewood, West Midlands (346) (2020) 3251859

Viability assessment failed to show that the building is redundant as a community facility or that it might not be viable in different circumstances.

Blackburns Arms, Orford, Warrington (363) (2021) 3255990

Non-viability evidence not compelling. Pub had stayed open up until first lockdown.

Giant Goram, Lawrence Weston, Bristol (364) (2021) 3257409

Non-viability not demonstrated. Other possible operating models not considered. Local Policy cites PHVT.

Antelope, Leyton, E10 (366) (2021) 3224485

108 page viability statement submitted but no trading account or marketing details and no robust analysis of viability prospects.

Smiths Arms, Castle Dene (401) (2021) 3275539

Limited evidence presented in support of non-viability. Not demonstrated that a new operator likely to fail.

Six Bells, Gislingham (409) (2023) 3306727

no evidence produced to show that the valued community facility would not be capable of being viable.

Gardeners Inn, Cossall, Notts (417) (2024) 3317327

Pub had not been formally marketed. Available evidence suggests business could still be viable so loss would be unnecessary and contrary to relevant policies.

White Swan, Charlton SE7 (418) (2024) 3331598

No evidence submitted of past trading performance. Lease offer unrealistic with condition of trading area not factored into asking price. Not demonstrated that could not be viable.

Royal Staff, Aldershot (422) (2023) 3285692

Reasonable efforts not made to preserve pub use. No evidence could not be viable if well-managed.

**Allowed Appeals**

White Horse, Hitcham, Ipswich (211) (2015) 3001531

Evidence produced to show business making a loss for some time despite best efforts of owners.

New White Bull, Giltbrook, Notts (222) (2016) 3133491

“Independent” viability study accepted and evidence not disputed by Council. Loss would not reduce community's ability to meet its day-to-day needs.

Prince of Wales, Hertingfordbury, Herts (228) (2016) 3028983

Appeal actually dismissed on other grounds. Proven history of financial difficulties since 2000. Small pub with no scope for food and with no passing trade. Limited likelihood of profit being generated in the future so marketing would serve no useful purpose.

Green Dragon, Gravenhurst, Beds (281) (2013) 2198005

Inspector concluded there was no prospect of pub use continuing even though it was accepted as being a valued facility and that little had been done to foster the business.

Rothschilds Arms, Aston Clinton, Bucks (298) (2019) 3217594

Viability appraisal accepted. Had been refused on character and appearance grounds.

Staplegrove Inn, Staplegrove, Somerset (307) (2019) 3221218

Use as a pub likely to be commercially unviable. No evidence of genuine community need or interest. Another pub nearby.

Roebuck Inn, Sixpenny Handley, Dorset (334) (2019) 3220165

District Valuer Service report considered marketing was suitable. Accepted not feasible or viable for business to continue.

Longville Arms, Longville in the Dale, Shropshire (354) (2020) 3256872

To be viable, would need to be a ‘destination’ pub but two other such in vicinity – Inspector not convinced enough demand for all to be profitable.

Sun & Anchor, Steeple, Essex (362) (2021) 3257325

Non-viability assessment accepted. Another pub in village. Local CAMRA Branch supported appeal!

Kings Head, Ridgewell, Essex (376) (2021) 3222037

Viability reports commissioned by the appellants and by the Council both assessed the pub as unviable. Council’s marketing-led approach to assessing viability regarded as faulty. Larger pub elsewhere in village.

Green Dragon, Haddenham, Bucks (391) (2021) 3260807

Council-commissioned report also concluded non-viability. Adequate marketing. Building had deteriorated since last appeal dismissed but business unlikely to be viable anyway.

Fox & Hounds, Brasted, Kent (393) (2021) 3254754

No compelling evidence to suggest that future operations could be made financially viable, despite pub being a successful business in the past. (very dodgy decision!)

Sutton Gamekeeper, Sutton, Cheshire (432) (2024) 3314797

Inspector satisfied that use as a pub is no longer viable, especially given renovation costs (also dodgy!)

Horse & Harrow, West Hagbourne, Oxon (435) (2024) 3321241

Viability reports represent substantive and coherent evidence that pub not a viable enterprise. Significant investment needed.

Gate Inn, Sutton-cum-Lound, Retford (437) (2024) 3326677

Financial figures paint picture of difficult trading conditions over a prolonged period. Run for a period by a community consortium but made significant losses.

**ONLY PUB IN SETTLEMENT**

**Dismissed Appeals** (n.b. There are many where the pub is the only one in a settlement but main reason given is usually adverse impact on community life)

Holywell Inn, Holywell Green, Yorks (253) (2017) 3157837

“I do not consider it an unreasonable aspiration for communities to enjoy at least one such facility within easy walking distance”

Oak, Charing, Kent (259) (2017) 3156139

Conversion to A3 would harm social well-being because of restricted hours. Possible micro-pub no substitute.

**Allowed Appeals**

Three Horseshoes, Brotherton, Selby (195) (2015) 3011293

New use as a gym considered to be an acceptable alternative use.

Red Lion, Baumber, Lincs (252) (2016) 3151819

Situated away from the village. Little local opposition to closure.

**PUB REGISTERED AS ACV**

**Dismissed Appeals**

Black Horse, Amberley, Arundel (165) (2013) 2186992

Registration as ACV at behest of local community demonstrated the extent to which they valued it.

Feathers, London NW1 (179) (2014) 2215985

Strength of local opinion further evidenced by nomination of site as an ACV

Chesham Arms, London E9 (182) (2014) 2209018

The registration of the pub as an ACV was “a material consideration of significant weight in this appeal”.

Porcupine, London SE9 (183) (2014) 2217362

“As an ACV, the property is by definition considered to be of value to the community”

Pear Tree, Hildersham, Cambs (191) (2015) 3010681

Mock conversion to “shop” – still regarded as community facility in a small village. “The value of the Pear Tree as a community asset is recognised through its ACV status.”

Bittern, Southampton (203) (2015) 2222726

ACV listing regarded as material consideration in assessing value to local community.

Rising Sun Inn, Woodcroft, Chepstow (205) (2015) 3006278

ACV process, whilst separate from Planning, is relevant to consideration of community value and some weight can be afforded to it.

White Lion, Goring Heath, Oxon (212) (2015) 2224457

No suitable similar facilities nearby. No evidence that business could not succeed in the right hands.

Cuckoos Rest, Dordon, Staffs (216) (2016) 3124776

Only pub in village. No substantive evidence that business could not become profitable. Proposals would mean loss of valued community facility.

New Plough, Covenham St Bartholomew, Lincs (231) (2016) 3139947

The clear community support for retention of the pub and lack of alternative facilities were evidence of its necessity.

Admiral Mann, London N7 (232) (2016) 3147248

'Trojan Horse' application. No ability to provide food so would fail to serve needs of local community adequately.

White Lion, St Leonards, Bucks (233) (2016) 3130705/3131920

Loss of community facility contravenes local plan and NPPF. Insufficient evidence of non-viability.

Feathers, London NW1 (237) (2016) 3024042

Large amount of support from local community – loss of pub would be harmful to that community.

Cross Keys, Henley, Ipswich (238) (2016) 3143228

Inspector regarded ACV listing as a material consideration. Pub a valued local facility, marketing unrealistic and non-viability not proven.

Penny Farthing, Timberland, Lincs (243) (2016) 3150763

Strength of local opinion on value of pub further evidenced by registration as an ACV.

Fox & Hounds, Barley, Herts (248) (2016) 3154355

ACV not determinative of appeal but indicates evidence of community value.

Dolphin, Althorpe, Lincs (249) (2016) 3150479

ACV can be an indication of the value placed on a property by local people. Noted that two bids rejected by appellant.

Travellers Rest, Skeeby, North Yorks (261) (2017) 3161299

Community group keen to buy despite pub being closed for 9 years. Valued community facility would be lost.

Cock, Stocking Pelham, Herts (288) (2018) 3199438

Original pub burned down in 2008. New pub not yet complete. Change of use to residential unacceptable as has potential to be important and valuable community facility. ACV status carried significant weight.

Cross Keys, Henley, Suffolk (306) (2019) 3205959

ACV removed by Tribunal because not considered realistic to think pub could be reopened. This, though, did not automatically mean that the pub was not valued by the community. Reasonable efforts to market the property had not been made.

White Swan, Thornton le Clay (404) (2023) 3294193

ACV registration deemed it to contribute to the social interests and well-being of the local community and could do so in the future

**Allowed Appeals**

Red House, Leamington Spa (172) (2013) 2200963

Whilst a material consideration, did not outweigh Inspector's finding that a viable community facility would not be lost.

White Horse Inn, Hitcham, Ipswich (211) (2015) 3001531

Listing as ACV suggests value placed on pub by local community so a material consideration – but evidence shows pub not viable nor supported by local people.

Toad Hall Arms, Moorsholm, Cleveland (226) (2015) 3095240

Moratorium period expired with no bids made. Sufficient evidence submitted to demonstrate non-viability and that appropriate marketing had failed to attract offers.

Mapplewells Inn, Sutton in Ashfield, Notts (227) (2016) 3134656

Sufficient other community facilities available to meet local needs – four other pubs within half a mile.

Bull Inn, Thorpe Morieux, Suffolk (239) (2015) 3006718

Claimed that change of use to A1 under PD rights had taken place. Inspector did not consider this a matter for him to determine. Little evidence that A1 use was of community value.

Maypole, Halesowen, Dudley (247) (2016) 3137157

Inspector recognised that registration demonstrated value to local people but did not consider loss of valed facility to be a main issue in the case.

Ship, South Norwood (250) (2016) 3145967

Designation as ACV did not outweigh the advantages of providing new housing on the site. Other pubs nearby.

**POOR LOCAL POLICY**

**Dismissed Appeals**

Limes, Merstham, Surrey (264) (2017) 3175047

Existing Plan silent on issues around loss of pubs. Inspector therefore considered that para 70 (now 98) of the NPPF was relevant to the main issues.

**Allowed Appeals**

Wheelwright Arms, Matfield, Kent (369) (2021) 3271087

Local policy says viabilty statement not needed if there is another pub in the village. The two other pubs held to provide suitable alternative facilities.

**EFFECT ON COMMUNITY LIFE**

**Dismissed Appeals**

New Inn, Priddy, Somerset (194) (2015) 3028948

Another pub within 200m. However, not demonstrated that no likelihood of a viable community use for the premises could be found.

Greyhound, Popes Hill, Gloucs (286) (2018) 3198223

Inspector not persuaded that lack of objections meant pub was not a valued facility.

Jubilee, York (287) (2019) 3213654

Loss of usable space for meetings and functions and of outdoor drinking area particularly unacceptable. Pub nearby has no such facilities.

White Hart Inn, Wolverhampton (380) (2021) 3270684

Local policy seeks to limit loss of community meeting places. Marketed mainly during the pandemic. Loss of meeting place for social, cultural or religious activities would be harmful to the local community.

George & Dragon, Swanscombe, Kent (383) (2021) 3259455

Local policy requires applicants to explore appropriate community-based solutions to preservation of facilities – this not happen. Accepted that properly marketed.

White Lion, Goring Heath, Oxon (420) 2015 2224457

Provision of alternative facilities of equivalent community value not shown therefore Local Plan policy not complied with.

Mechanics Arms, St George, Bristol (426) (2023) 3318159

Not demonstrated that the facilities offered by the pub are not required to serve the needs of the local community.

**Allowed Appeals**

Lord Nelson, Broadstairs (196) (2015) 3016558

Pubs nearby cater for a similar clientele so no unacceptable loss of community facilities demonstrated.

Red Lion, Northleach, Gloucs (198) (2015) 3039102

Other pubs nearby. Only one local objection. Premises do not fulfil a recognised need for community facilities.

Cherry Tree Inn, Debenham, Suffolk (284) (2018) 3206315

Limited evidence of community support for pub. Use as veterinary surgery would be alternative community use. (n.b. appeal against refusal of consent to convert to residential dismissed because of unacceptable effect on community facilities and employment provision)

Alchemist, London SW11 (329) (2020) 3230641

Change of use to D2 permitted as would enable use for purposes of some social and community value

**MARKETING**

**Dismissed Appeals**

Wellingtons,Folly Hill, Farnham, Surrey (186) (2015) 2223439

Asking price unrealistic. Loss of pub not justified in regard to viability and marketing information.

White Horse, London SE7 (209) (2015) 3005023

Required two years of marketing had not taken place. Local Plan evidence requirements not met.

Old Boot Inn, Stanford Dingley, Reading (223) (2015) 3026382

Inspector felt asking price had been set too high. Appellant did not seek to remarket from other agencies despite long time with no offers.

Cherry Tree, Belchamp St Paul, Essex (229) (2016) 3136819

Pub put on market for 12 months in 2008. Succession of landlords followed, some of whom responsible for collapse in trade. Pub closed in 2013 and no attempt to “promote its retention” as required by NPPF and local policy – so no evidence of non-viability.

Former Jolly Gardener, London SW4 (230) (2016) 3140151

New building on site of former pub. Appeal against refusal of change of use of ground floor from authorised A4 use to residential. Inspector not convinced there had been active and appropriate marketing, nor that there was no reasonable prospect for an A or D class use, so proposal would contravene local and national policy on community facility provision.

Dukes Head, Coddenham, Suffolk (236) (2016) 3143123

No asking or guide price provided – offers accepted or rejected on basis of residential value. Marketing needed to have established if there was interest in the building as a pub.

Marketing “unacceptably deficient”.

Feathers, London NW1 (237) (2016) 3024042

Marketing was not appropriate with quoted rent levels reflecting residential rates. Therefore failed to demonstrate that loss of pub justified.

Cross Keys, Henley, Ipswich (238) (2016) 3143228

Although marketing campaign extensive, not shown that terms were realistic and appropriate – so requirements of SPD not met.

Penny Farthing, Timberland, Lincs (243) (2016) 3150763

Reasonable efforts not made to find a purchaser, tenant or operator willing to continue the business so as to fulfil requirements of local policy.

Three Tuns, Guilden Morden, Cambs (244) (2016) 3144471

Marketing was for a much shorter period than required by local plan policy which would have restricted the opportunity for the business to re-open.

Fox & Hounds, Barley, Herts (248) (2016) 3154355

Original asking price was not realistic and the second set of agents were not licensed premises specialists.

Dolphin, Althorpe, Lincs (249) (2016) 3150479

Marketing price too high bearing in mind level of work needed to reopen it as a pub.

Red Lion, Fosters Booth, Northants (255) (2017) 3170758

Marketing not sufficiently robust to provide a clear demonstration of no interest in reopening as a pub.

Saxon Inn, Child Oakford, Dorset (271) (2018) 3191963

Not demonstrated that price being sought was realistic. Accounts suggested a sound business, capable of providing a reasonable return.

Cabinet, Reed, Herts (285) (2018) 3188914

Marketing at auction raised an expectation of ‘hope value’ above the true value based on lawful use.

Plough Inn, Longparish, Andover (289) (2019) 3221040

Freehold only marketed briefly and then over Christmas. Local aim to run as a community pub.

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Red Lion, Overton, Berks (294) (2018) 3204499

No indication as to whether asking price reflected a realistic market value for the pub as a going concern.

Lamb, Stoke Prior, Herefordshire (296) (2019) 3199884

No marketing carried out. Parish Council had expressed interest in purchase but ignored. Accounts don’t prove non-viability.

Victoria, Hornsey (304) (2019) 3225901

Marketing exercise not sufficient or exhaustive. Loss of community facility not justified.

Newtown Inn, Lower Eggleton, Herefordshire (317) (2020) 3239091

Marketing insufficiently robust. Evidence produced that asking price seriously out of kilter with current market expectations.

Queens Hotel, Selborne (324) (2019) 3229374

Asking price not reflective of condition of building or of market value.

Railway Tavern, Bethnal Green, London (325) (2020) 3239499

Not marketed specifically for A4 use as required by London Plan. Inspector not satisfied that rent level sought was appropriate.

Hatchet Inn, Childrey, Oxon (327) (2020) 3237812

Marketing limited in nature and insufficiently diverse e.g. only a five year tenancy on offer.

Rose Cottage, Alciston, Sussex (328) (2020) 3225616

Not enough evidence of a robust marketing exercise at a realistic price.

Wheatsheaf Inn, Whitbourne, Herefordshire (337) (2020) 324467

Not marketed in line with local plan policy. No evidence that site no longer viable.

Two Doves, Canterbury (339) (2020) 3253327

Marketing only related to pub use so not demonstrated that the building would not be wanted for another community use. Other uses could operate from the premises.

Pelican, Tacolneston, Norfolk (341) (2020) £214456

Asking price too high and no prior agreement with Council as required.

Three Horseshoes, Sidlow, Surrey (345) (2020) 3244966

Asking price was ‘aspirational’ and not shown to be competitive against other pubs in locality.

Railway Inn, Fourstones, Northumberland (347) (2020) 3238645

Asking price significantly higher than recent purchase price. If marketed at a realistic price, chances of sale would have been much greater.

Greyhound Inn, Newnham, Gloucs (360) (2021) 3237062

Impact of pandemic discounted. Not a requirement to ascertain whether potential purchaser has a business plan.

Dog & Badger, Maulden, Beds (372) (2021) 3266473

Only marketed for a short period once planning permission refused. Not shown that guide price was fair and reasonable.

Chequers Inn, Petham, Kent (381) (2021) 3256375

Pub had been successful for many years prior to being bought by the appellants. Only marketed for a short period and financial statement very limited.

Four & 20, Padbury, Bucks (394) (2021) 3259210

Offered for sale at considerable uplift from purchase price. Not demonstrated that a new pub operation would demonstrably fail.

Plough, Potten End (403) (2022) 3289126

Council’s independent valuation much lower than asking price (£400k against £550k). Offer made, but not accepted, at lower price. Inspector therefore not persuaded that all efforts to secure continued community use had been made.

Cleveland Arms, High Ercall (411) (2023) 3313353

Loss of community facility should not be driven by inflated asking price based on hope value.

Laurels Inn, Petrockstowe, Devon (423) (2023) 3312735

High price being asked for a business claimed to be failing. Marketing campaign not considered to be a sufficiently realistic one.

Castle Inn, Brenchley, Kent (425) (2023) 3302890

Appropriate marketing not demonstrated. No evidence that asking price reflects market value. Not marketed by a trade-specific agent.

**Allowed Appeals**

Sydney Arms, London SE13 (204) (2015) 2220081

Marketed over a long period, with price reductions. Small, wet-led pub with little scope for diversification.

Cross Keys, Bedworth (270) (2018) 3189481

Adequately marketed to ‘industry standard’. Considered highly unlikey pub use could be sustained.

Green Man, Widford, Herts (336) (2019) 3232537

Marketed for four years with different agents and at different prices but no offers. Sufficient evidence presented to show that the business was unlikely to prosper.

Reservoir Inn, Thornton, Leics (371) (2021) 3264876

‘Thoroughly and appropriately marketed’ – no reasonable prospect of it returning to pub use. Another pub plus social club in village.

**OTHER LICENSED PREMISES IN SETTLEMENT**

**Dismissed Appeals**

Golden Lion, London NW1 (169) (2013) 2199667

Other pubs in area geared to a different market – young people, foodies. Only other “locals” pub has no function room. Nearby Community Centres have very different ambience.

Crown, Reepham, Norfolk (177) (2013) 2196244

Another pub 600m away but likely to serve a different catchment and type of customer because of its location and setting.

Feathers, London NW1 (179) (2014) 2215985

Each pub has a different function and character – spatial proximity is not of itself a necessarily reliable guide to the value placed on pubs by local communities.

Crown, Nuffield, Henley (197) (2015) 3023072

Wide variation between Council's valuation and appellant's asking price, which appeared to be artificially increased.

Kings Head, Kessingland, Suffolk (214) (2016) 3089670

Large village with several other pubs “which appear to be thriving”. No evidence of targeted marketing campaign and non-viability not proven.

Wheatsheaf, Gosforth, Cumbria (215) (2016) 3134460

Two other pubs in village – failure of business blamed on competition from them. Inspector found no evidence that the Wheatsheaf in itself was no longer of value to the community.

Old Boot Inn, Stanford Dingley, Reading (223) (2015) 3026382

Another pub within walking distance but with a “food-led restaurant feel.” Pub is a significant community facility to the village. Asking price set too high.

Ermine Way, Ancaster, Lincs (242) (2016) 3153467

Inspector critical of local policy which effectively accepts loss if another pub in settlement – conflicts with NPPR requirement to safeguard all valued facilities.

Fox & Hounds, Barley, Herts (248) (2016) 3154355

Other pub is smaller and not centrally located – also necessary to negotiate stretch of road with no footway or street lights.

Holywell Inn, Holywell Green, Yorks (253) (2017) 3157837

Restricting numbers would “deny the important role of competition and complementarity”

Old House at Home, Newnham, Berks (262) (2017) 3169774

Another pub within walking distance but focus on food makes it less suitable for impromptu gatherings and non-food related visits.

Red Lion, Overton, Berks (294) (2018) 3204499

Other pubs in the village. Not demonstrated that no longer practical, desirable or viable to retain pub use. Unrealistic asking price.

White Horse, London E1 (311) (2019) 3218678

Other pubs nearby but building is close to a relatively densely packed residential area.

Queens Hotel, Selborne (324) (2019) 3229374

Another pub in village but ‘public houses do not necessarily have to be restricted in number to enhance their viability as this would otherwise prevent competition and complementarity’.

Maypole, Acton Bridge, Cheshire (348) (2020) 3219332

Existence of another pub nearby is not sufficient to demonstrate that the facility is surplus to community needs.

Sun Inn, Skirlaugh, East Yorks (375) (2021) 3255326

Other pub in village provides a different offer. No evidence of insufficient demand to support two pubs. ACV status indicates value to community.

Cock & Magpie, Epping Green, Epping (390) (2021) 3267612

Another pub nearby. However, insufficient evidence submitted to show that this pub is no longer viable nor needed in this location.

Cricketers, Caddington, Beds (428) (2023) 3315728

No reason seen why a settlement of this size could not sustain two pubs. Not marketed at a reasonable price.

White Horse, Wareside, Herts (446) (2024) 3330386

Another pub but this one had ‘distinctive character’ plus a ‘gateway’ location. Potential for regeneration of trade identified – no reason why business could not be commercially viable.

**Allowed Appeals**

Crown, Romford (234) (2016) 3153011

Other pubs in area so still a suitable range of community facilities. No detailed information on extent of support for pub by local people.

Red Lion Tavern, Sturton-by-Stow, Lincs (240) (2016) 3142794

No firm reason for believing pub to be unviable but existence of another pub meant loss would not result in significant harm.

Old Crown Inn, Coventry (300) (2019) 3223761

Several other pubs nearby so loss in this location would not harm community.

Barrack Hotel, Apperknowle, Derbyshire (305) (2019) 3219524

Another pub 500 metres away so no unacceptable loss of community facility (despite lack of street lighting)

Sebastopol, Windsor (315) (2019) 3212539

Seven pubs within 1.1 miles. Marketing and viability claims do not provide sufficient justification for loss but outweighed by presence of so many alternatives.

Mark of Friendship, Millbrook, Cornwall (340) (2020) 3251246

Two other pubs nearby. Loss of pub unlikely to have significant impact on social well-being of local people. Reasons given by the Council for ACV de-listing a factor in the decision.

Wheelwright Arms, Matfield, Kent (369) (2021) 3271087

Local Plan policy says viability assessment not needed if another pub ib the village. The two other pubs here held to offer suitable alternative facilities.

Clothworkers Arms, Sutton Valence, Kent (373) (2021) 3265112

Two other pubs so no unnecessary loss of community facilities. Evidence suggests pub not viable and unlikely to become so.

Red House, Whitchurch, Berks (427) (2023) 3312572

Ample alternative provision nearby. Market would be saturated if pub re-opened.

**IMPACT ON HISTORIC INTEREST OF BUILDING**

**Dismissed Appeals**

Dog & Partridge, Tosside, N Yorks (168) (2013) 2193965

Although no physical alteration would be made, the functional significance of the building would be lost by change to residential

Carlton Tavern, York (275) (2018) 3200194

Proposal would result in total loss of non-designated heritage asset. Character and appearance of area would be harmed.

**Allowed Appeal**

Tea Clipper, London SW7 (162) (2013) 2184334

No impact on historic interest of listed building – interior already badly mauled.

Coach & Horses, London W1 (254) (2017) 3160767

Retrospective consent for alterations to staircase, conditional on reinstatement once lease expires. “Unique circumstances”.

**ADVERSE VISUAL IMPACT ON AREA**

**Dismissed Appeals**

Feathers, London NW1 (179) (2014) 2215985

Proposed development would be harmful to the character and appearance of both the host building and surrounding area.

Chiltern View, Uxbridge (187) (2015) 2225677

Change to residential would adversely impact on the character and appearance of the Conservation Area.

Queensbury, London NW2 (202) (2015) 2219081

Development proposed replacement pub – but would have had adverse lasting impact on Conservation Area.

Navigation Inn, Kings Norton, Birmingham (210) (2015) 3001904

Replacement shop would have adverse effect on character and appearance of local area.

Robin Hood, Guildford (219) (2016) 3133784

Public benefits of proposal outweighed by harm to conservation area. No protests about loss of pub.

Glory, Rawtensall, Lancs (225) (2015) 3131035

Proposal would cause significant harm to the character and appearance of the local area.

Sun in the Sands, Blackheath, SE3 (282) (2018) 3184117

Proposal would neither preserve nor enhance the character and appearance of the conservation area.

Duke William, Haxey, Lincs (295) (2019) 3220124

Development would cause significant harm to the appearance of the area. Community value would have been considered had Inspector been minded to allow the appeal on design grounds.

Red Lion, Brixworth, Northants (332) (2019) 3217345

Non-designated heritage asset though ‘not an outstanding example of its kind’. Nonetheless its loss would harm the appearance of the Conservation Area.

Prince of Wales, Hinckley (368) (2021) 3252017

Not listed but concluded it is a NDHA because of historic interest, value to community, architectural integrity and landmark quality.

Cricketers, Caddington, Beds (428) (2023) 3315728

Demolition would harm the character and appearance of the area.

King Harold, Harold Wood, Romford (431) (2023) 3305694

Significant weight given to harm to character and appearance of the area – further harm from loss of pub facility.

**Allowed Appeals**

Old House at Home, Walton on Thames (145) (2012) 2170741

Proposals would not harm character and appearance of area and accord with local plan policies.

Penny Ferry, Cambridge (161) (2013) 2185764

Demolition would have a neutral effect on the appeal site and Conservation Area.

Crown, London SE17 (166) (2011) 2143911

Proposed replacement “well-conceived” and of sufficient quality to outweigh loss of pub building.

Summer House, Tipton, Dudley (245) (2016) 3138401

Development would not harm the character and appearance of the area nor the significance of nearby local heritage asset.

**LOSS OF HERITAGE ASSET**

**Dismissed Appeals**

Highbury Barn, Great Cornard, Suffolk (158) (2013) 2190852

Pub accepted as a heritage asset of local significance, even though not listed, locally or otherwise. Proposal contrary to Local Plan as well as NPPF.

Halfway House, Buck Horn Oak, Surrey (224) (2015) 3131122

Loss of non-designated heritage asset would be contrary to local and national policy.

Black Boy, Leicester (265) (2017) 3177241

Loss of non-designated heritage asset tilted the balance in favour of dismissal.

Red Lion, Ampney St Peter, Gloucs (274) (2017) 3175535

Permanent change of use would inevitably result in some harm to its significance and special interest (and also restrict public access)

Red Lion, Biggleswade (413) (2024) 3313199

Conversion to house would be detrimental to the character of the centre of this market town.

Foresters Arms, New Bradwell, Milton Keynes (416) (2023) 3319810

Building represents a non-designated heritage asset and its loss would harm the historic environment.

Woodspring, Worle, Somerset (436) (2024) 3326999

Landmark building in prominent position, making a significant contribution to the sense of place.

**Allowed Appeals**

Crown, London SE17 (166) (2011) 2143911

Status as heritage asset limited – only on emerging Local List (and could have been demolished under PD rights anyway)

**URBAN PUBS**

**Dismissed Appeals**

Rose & Crown, Henley-on-Thames (184) (2014) 2222161

Pub **not** an essential community facility **but** loss would harm the vitality and viability of the town centre.

Jubilee, York (287) (2019) 3213654

Loss of quality outdoor drinking space and separate leisure/function rooms unacceptable. Pub close by has no such facilities.

Pelican Inn, Altrincham (406) (2022) 3296154

Ten other pubs within 2km but accepted that none would provide community with attractive alternatives. Insufficient evidence that incapable of functioning as a community facility.

New Clarence, Hull (419) (2024) 3336032

Existence of numerous other nearby pubs not a factor as a city the size of Hull should offer a range of different types and sizes of pub. Would be unnecessary loss of a clearly valued community facility.

Kings Arms, Buckfastleigh, Devon (448) (2024) 3345859

Loss would reduce vibrancy of town centre. Potential to increase revenue. Insufficient information on marketing.

**Allowed Appeals**

Crown, London SE17 (166) (2011) 2143911

Lack of local pub protection policy (pre-NPPF)

**PROPOSALS WHICH WOULD REDUCE SIZE OF PUB**

**Dismissed Appeals**

Bull Ring Inn, Kingstone, Herefordshire (159) (2013) 2183572

Proposal to build on part of car park. Refused on grounds that this would undermine the viability of the pub. Inspector held that para 70 of NPPF requires an inherently proactive approach to sustaining community assets i.e. beyond just retention. He therefore dismissed the appeal.

Le Columbier, London SW3 (170) (2013) 2199870

Premises a restaurant, not a pub but still held to be a community facility. Development would reduce trading area therefore reduce level of community services.

Quart Pot, Milton-under-Wychwood (188) (2015) 2226134

Loss of garden and car park would mean loss of community facilities plus reduce viability of the pub.

Sir Richard Steele, London NW3 (189) (2015) 3003396

First floor function room and beer garden accepted as community facilities whose loss would undermine the value of the A4 use.

John Jackson, Wallington, Surrey (206) (2015) 3005475

Dismissed largely because of harm to character and appearance of building.

White Swan, Hunmanby, North Yorks (213) (2015) 3007922

Proposals would mean loss of car park and beer garden. Accepted they have potential to assist in the development of the facility for the benefit of the community and their loss would remove that potential.

Admiral Mann, London N7 (232) (2016) 3147248

Proposed to convert upper floors to residential. Ability to provide food removed so would no longer serve needs of local community. Also adverse impact of pub activity on residents of new flats. ACV listed.

Rosie, Munstone, Hereford (266) (2017) 3173815

Proposal would mean loss of children’s play area and recreation space. This would have a negative effect on viability of a community facility.

105 Kings Road, London WC1X (273) (2018) 3193274

Loss of first floor kitchen, function room and office space and ‘its potential to contribute to the ACV’ would adversely affect the pub business.

Cleveland Arms, High Ercall, Salop (320) (2018) 3188801

Restaurant with small bar would be provided. Held that this would reduce the building’s ability to be used as a community facility.

Pensbury Arms, London SW8 (331) (2019) 3233103

Proposals would result in a more constrained commercial proposition and thus render the business unviable.

Jubilee, York (333) (2019) 3213654

Redevelopment of upstairs space usable for functions, meetings etc. would result in unacceptable loss of community facilities.

Farmers Arms, Kelsall, Cheshire (349) (2020) 3236916

Not demonstrated that reduced parking area would not adversely affect the viability of the pub.

Hornsey Tavern, Hornsey, N8 (351) (2020) 3241476

Reconfiguration of floorspace would put future viability of pub at risk (ground floor space would be reduced and replaced by use of basement).

Red Cow, Harpenden, Herts (353) (2020) 3251964

Car parking land sold off but loss of it would have a detrimental impact on the viability of the pub.

Prince of Wales, Wimbledon, SW19 (388) (2021) 3270749

Proposed conversion of function room to flat. No evidence to verify claimed minimal demand for facility or to show that the pub would be viable without it.

Hansburys, Hither Green, SE13 (395) (2021) 3256896

Proposed change of use of part of ground floor to HMO. Loss of space would adveresely impact on the operating conditions and future viability of the pub.

New Fountain Inn, Whimple (400) (2022) 3281523

Proposals would reduce trading area to a micro-pub. No evidence of marketing or non-viability. ACV showed clearly valued in current form.

The Academy, London W11 (408) (2023) 3293575

Lower part of pub to be retained. Practical and functional shortcomings identified. Lack of on-site accommodation also problematic. Customer trade likely to be severely compromised.

Travellers Rest, Long Riston (412) (2023) 3313489

Enforcement notice had been served to reinstate whole of demolished pub. A micro pub had been provided in part of the new building. Certificate of lawfulness in respect of new building had been refused. Held that the whole building had not been reconstructed as a pub so the refusal was well-founded.

Hawkins Arms, Zelah, Cornwall (447) (2024) 3325429

Not demonstrated that spaces to be lost are not needed to support pub as a community facility. No compelling evidence that current pub not viable.

Queens Hotel, Selborne, Hants (449) (2024) 3289423

Tap Room alternative represents unreasonable reduction in local service provision. Facility not sufficiently accessible, inclusive or available.

**Allowed Appeals**

Ship, South Norwood SE25 (258) (2017) 3155172

Pub use would be retained, albeit on smaller scale and with loss of garden. No evidence that viability of business would be harmed.

Duke of Wellington, London E1 (260) (2017) 3150733

Pub use retained but with hotel accommodation above and in extension. No detrimental impact on viability nor threat to A4 use.

Eagle, Galleywood, Essex (263) (2017) 3172095

Pub retained but beer garden lost. No reason to consider this would harm the pub’s future viability.

Henry Jenkins Inn, Kirby Malzeard, North Yorks (352) (2020) 3240780

Loss of annex would not result in loss of community facility nor make remaining pub unviable.

White Hart, London SE14 (367) (2020) 3241119

Change of use of upper floors from hotel use to flats would have an acceptable impact on character and viability of pub (despite possible consequent restrictions on late night music)

Queens Hotel, Selborne (402) (2022) 3289423

Development included provision of a Tap Room. Considered that this community use would be accessible, inclusive and available, albeit different.

**PUBS CLOSED FOR A LONG TIME**

**Dismissed Appeals**

Bulls Head, Adisham, Kent (185) (2015) 2215119

Pub closed for many years. Little reason to expect re-use as a pub would be viable **but** no evidence that use of the site as a community facility is not required.

Bishops End, Burdrop, Banbury (193) (2015) 2227213

Closed for eight years, though re-opened briefly. Claim of change of use to A1 rejected. Enforcement action against unauthorised residential use. Previous appeal (2190714) in 2013 also dismissed.

Rivers Arms, Cheselbourne, Dorset (221) (2016) 3006600

Closed 2008. Evidence of pub being run down by last owner. Reasonable offers rejected. Unsatisfactory marketing and non-viability unproven. No reason why a pub should not flourish in this location.

Holywell Inn, Holywell Green, Yorks (253) (2017) 3157837

Pub closed for five years after new owner had only kept it open six months. “Lack of success does not necessarily indicate a lack of need or demand”

Travellers Rest, Skeeby, North Yorks (261) (2017) 3161299

Pub closed for nine years. Community Pub Society keen to buy but owner holding out for higher price. Valued community facility would be lost.

Pheasant Plucker’s Inn, Burdrop, Oxon (276) (2018) 3191365

Apart from a six-month period, closed since 2007. PHVT not satisfied/non-viability not demonstrated. Existence of ACV a critical factor.

Cabinet, Reed, Herts (285) (2018) 3188914

Ceased trading in 2011. Marketing at auction raised an expectation of ‘hope value’ above true value. No alternative facility nearby. Not proven that could not be viable.

Newtown Inn, Lower Eggleton, Herefordshire (317) (2020) 3239091

Closed since purchase seven years previously. Still required for community. Previous decline ascribed to ‘pubco model’. Marketing not sufficiently robust and asking price unreasonable.

Plough Inn, Fadmoor, North Yorks (392) (2021) 3256879

Pub closed for ten years. Strong evidence of community support for reopening. Local Plan and NPPF set ‘high bar’ for justification of loss.

Royal Oak Hotel, Cheadle (430) (2024) 3308406

Hadn’t functioned as a pub/hotel for many years but no compelling evidence that couldn’t be returned to that or another town centre use rather than residential.

Looking Glass, Bristol (440) (2024) 3325156

Closed in 2012. No evidence presented to show that the exceptions specified in the Local Plan policy applied.

**Allowed Appeal**

Toby Inn, Brighton (200) (2015) 3009190

Pub closed for nine years. Objections mainly to proposed new use as a hostel. Accepted no loss of community facilities.

Lions Head, Winterton, North Lincs (208) (2015) 3005221

Long closed and now semi-derelict. No local opposition. Development would enhance appearance of area.

**PUB ALREADY DEMOLISHED**

**Dismissed Appeal**

Cock, Stocking Pelham, Herts (280) (2018) 3199438

Former pub burned down in 2008. Subsequent planning consent included provision of replacement pub – appeal was against that requirement. No evidence that pub could not be made viable or is no longer needed – it has the potential to be an important and valuable community facility.

Carlton Tavern, London NW6 (297) (2016) 3130605

Pub demolished causing harm to character and appearance of area. Enforcement notice to rebuild upheld though timescale for rebuilding extended from 18 to 24 months.

Travellers Rest, Long Riston, East Yorkshire (365) (2021) 3259822

Building demolished except for small section now occupied by micropub, developed without planning permission – therefore no guarantee that it would remain a pub in the long term. Demolition therefore represents loss of valued community facility.

Travellers Rest, Long Riston, East Yorkshire (450) (2024) 3340167

Lawful Development Certificate correctly refused. Appellant failed to show that building as rebuilt was capable of being used as a pub in the required manner.

**Allowed Appeal**

Cross Guns Inn, Codsall Wood, Staffs (178) (2013) 2199923

Council claimed proposals contravened local policy on retention of community facilities. Inspector held that seeking to impose policy when the building housing the facility had completely gone was unreasonable. The site had been left with no use.

Royal Oak, Leatherhead, Surrey (322) (2019) 3223148

Pub demolished without planning permission. Harm arose from its loss but a ‘community facility’ would be provided in new development. Additional housing tilted balance in favour of appellant.

**PUBS IN REMOTE LOCATIONS OR SMALL SETTLEMENTS**

**Dismissed Appeals**

Newtown Inn, Lower Eggleton, Herefordshire (167) (2013) 2198409

Only a scattering of houses within walking distance but on busy road. Inspector felt had potential as 'destination venue'.

Fountain Inn, Orcop, Hereford (201) (2015) 3063801

In scattered settlement of 61 dwellings. No evidence that couldn't be viable – marketing generated a lot of interest.

White Lion, Goring Heath, Oxon (420) (2015) 2224457

Resident population insufficient to support business but good position on busy crossroads. Had traded successfully as a destination pub in recent past.

Merrymouth Inn, Fifield, Oxfordshire (217) (2016) 3137173

Located on A424 about half a mile from small settlement. No evidence of meaningful marketing at a reasonable price or of non-viability. Relevant policies do not “merely cover facilities within a settlement” but cover all local services and facilities.

Greyhound, Popes Hill, Gloucs (278) (2018) 3198223

In a small rural community, ‘best described as a hamlet’. Nonetheless, no suitable alternative community facilities so location outside a village did not diminish importance of loss. No evidence given of non-viability.

Greyhound, Popes Hill, Gloucs (286) (2018) 3198223

Location outside of a village did not diminish importance or loss as a community facility.

Winterbourne Arms, Winterbourne, Berks (316) (2020) 3237025

Very small settlement but closure would have unacceptably harmful effects on local vitality.

Punch Bowl Inn, Paglesham, Essex (378) (2020) 3247075

Settlement has very small population but the pub had clearly been successful in the past. No trading accounts presented. Applicant had only been there a year before trading ceased.

**Allowed Appeals**

Bull Inn, Weston under Weatherley, Leamington Spa (207) (2015) 3005452

In area of scattered development. Criteria for allowing change of use met – no other users willing to buy or manage it. Little local protest.

Ostrich Inn, Longford, Derby (257) (2017) 3163696

In open countryside. Limited local objections and adequate alternatives in area. Non-viability arguments accepted.

Tally Ho, Knockholt, Kent (302) (2019) 3224333

Isolated rural location. Sufficient evidence submitted to demonstrate non-viability.

Crown Inn, Brundish, Suffolk (314) (2019) 3209602

On the market for two years with no offers. Small village with no ‘heart’. Business accounts showed a non-viable business.

Royal Oak, Nunnington, N.Yorks (326) (2020) 3223570

Village population (361) insufficient to sustain viable pub on its own. Alternatives in ‘nearby’ villages (closest 2.5 miles away!)

**RUNNING DOWN OF PUB**

**Dismissed Appeals**

Red Lion, Sheringham (66) (2010) 2116106

Leaving a pub vacant could not be adduced in evidence on viability/need as it would open a loophole to achieve change of use and encourage others to do the same.

School House Inn, Low Marishes (92) (2010) 2125456

Distinction drawn between a facility which is no longer viable and a business that becomes no longer financially viable when running the facility i.e. the latter is the fault of the person running the business.

Plough & Fleece, Cockfield, Suffolk (384) (2021) 3269479

Sporadic opening plus ‘event management and day-to-day trading issues’ appeared to have been contributory factors in the pub’s decline. Flimsy marketing evidence.

**PUB CLAIMED NOW TO BE A RESTAURANT**

**Dismissed Appeals**

Plough, Shepreth, Cambs (134) (2012) 2167619

Claimed that local and national pub protection policies should not apply as had operated as a restaurant for seven years. Inspector regarded this view as “too narrow and simplistic” and, if accepted, would be a way to circumvent policy.

Royal Standard, Cambridge (148) (2012) 2174210

Had closed as a pub five years previously and been used as a restaurant for first four years. Inspector agreed with conclusions of colleague in the Plough appeal above and found that the premises remained a community facility.

**Allowed Appeals**

Fleur de Lys, Pucklechurch (397) (2020) 3236536

Argued by appellant that pub had become a restaurant. Not accepted but agreed there was now a mixed use as per former Class AA and certificate to that effect issued.

Beer Hawk, London EC1 (414) (2023) 3307718

Change of use allowed to flexible class E use. Had only been a pub between 2019 and early 2020. London Plan definition of a pub unhelpful in the circumstances.

**PUBS TO SHOP/RESTAURANT CONVERSIONS**

**Dismissed Appeals**

Golden Harp, Maidenhead (174) (2013) 2198227

Seven appeals, of which four dismissed. All concerned with ancillary matters and, in three cases, alternative scheme approved – only that for hardstanding fully dismissed.

Porcupine, London SE9 (183) (2014) 2217362

Appeal dismissed mainly on traffic safety grounds. Disturbingly, the Inspector regarded shop and pub uses as having equivalent community value.

Gainsborough Arms, Milborne Port, Somerset (256) (2017) 3164977

Conversion to convenience store would reduce opportunities for social interaction and result in a harmful loss of a community facility.

McGoverns, Brent, NW2 (445) (2024) 3336077

Change of use to restaurant not allowed – Locfal Plan marketing requirements not met.

**Allowed Appeals**

Oak Inn, Leamington Spa (171) (2013) 2188876

Proposals represent sustainable development under NPPF with no detrimental effect on vitality and viability of other areas. No objections had been raised to loss of pub.

Golden Key, Ipswich (173) (2012) 2174644

Had been refused on traffic grounds. No material harm to highway safety proven.

Victoria & Albert Inn, Seaton Deleval (176) (2014) 2197910/13/17

Previous appeal dismissed on traffic grounds. Revised scheme “would not impair safety of pedestrians or motorists”

Ashwood Inn, Wordsley, Dudley (246) (2016) 3137153

Main issues effect on existing convenience stores and highway safety.

Maypole Inn, Halesowen, Dudley (247) (2016) 3137157

As for 246. ACV listed but loss of valued service not considered a main issue.

Summer House, Tipton, Dudley (245) (2016) 3138401

Main issues effect on character and appearance of area and highway safety.

Elephant & Castle, Telford (283) (2019) 3199721

Convenience store would be a community facility. Four other pubs nearby.

**LOSS OF ANCILLARY ACCOMMODATION**

**Dismissed Appeals**

Chesham Arms, London E9 (182) (2014) 2209018

Enforcement notice appeal. Accepted that allowing the upstairs accommodation to become self-contained flats “would probably result in the pub use not resuming in the building as a whole”.

Flora, London W10 (279) (2018) 3191884

Dismissed for heritage reasons. Not established that loss of staff accommodation and function room would threaten viability. Several nearby pubs operate successfully without.

Pensbury Arms, London SW8 (331) (2019) 3233103

Loss of accommodation likely to reduce attractiveness to prospective publicans.

Academy, London W11 (355) (2020) 324973/4

Loss of accommodation would limit range of potential operators. Long-term viability of pub likely to be dependent on a flexible and creative offering to the community.

Red Lion Inn, Babcary (410) (2023) 3309133/2/7

Proposed change of outbuildings from six letting rooms to single dwelling. Held likely to undermine viability of pub business.

**Allowed Appeals**

Stag, London SW11 (272) (2018) 3201010

Upper floors used only for staff accommodation which most other local pubs do not have, demonstrating provision is not essential. No evidence loss of this would harm viability or functioning of pub.

Hanbury Arms, Islington, N1 (434) (2023) 3323429

Loss of function room and manager’s flat would not undermine the operation of the pub. New income necessary for viability reasons.

**WIDER COMMUNITY USE ISSUES**

**Dismissed Appeals**

King Edward V11, Rushden (199) (2015) 3009746

No local objections and accepted that continued use as a pub may no longer be needed, but scope for use in connection with other community facilities not explored.

New Inn, Priddy, Somerset (194) (2015) 3028948

Another pub within 200 yards. However, not demonstrated that there is no likelihood of a viable community use being found, which is the relevant policy test.

Black Fox Inn, Milland, Hants (299) (2019) 3214126

Appeal dismissed on highway safety grounds. Proposed conversion to children’s nursery and pre-school held to be an acceptable alternative community use.

George & Dragon, Holmpton, E.Yorks (330) (2020) 3218212

No evidence that alternative community uses had been explored.

Two Doves, Canterbury (339) (2020) 3253327

Only marketed as a pub so no marketing evidence that building would not be wanted for another community use.

Queens Head, Erwarton, Suffolk (344) (2020) 3248198

Local plan does not specifically seek retention of community uses but does protect employment uses. Potential for securing such uses not explored in viability assessment.

Maypole, Acton Bridge, Cheshire (348) (2020) 3219332

Insufficient evidence to conclude it is unlikely that the site could be put to an alternative community use.

George & Dragon, Swanscombe, Kent (383) (2021) 3259455

Local policy requires applicants to explore appropriate community-based solutions to preservation of facilities – this not happen. Accepted that properly marketed.

**Allowed Appeals**

Three Horseshoes, Brotherton, Selby (195) (2015) 3011293

New use as a gym considered to be an acceptable alternative community use, despite there being no other pub in the village. Scheme would contribute to local economy.

Cherry Tree Inn, Debenham, Suffolk (284) (2018) 3206315

Change to veterinary surgery considered to be acceptable alternative community use.

Alchemist, London SW11 (329) (2020) 3238915

Replacement community facility (D2 – Assembly & Leisure) so local plan policy on community uses not offended.

**REMOVAL OF PERMITTED DEVELOPMENT RIGHTS**

Former Top o'the Morning, London E9 (226) (2016) 3136877

Appeal against condition that part of new building on former pub site be used only for A4 purposes. LPA was justified in removing PD rights to preserve the community facility in line with local plan policy.

**PUB USE ALREADY CHANGED**

**Dismissed Appeals**

Yew Tree, Chew Stoke, Bristol (251) (2016) 3147896

Use already changed to residential. Loss of pub contrary to local and national policy so enforcement notice upheld.

**Allowed Appeals**

Former Bull Inn, Thorpe Morieux, Suffolk (239) (2015) 3006718

Claimed that use had changed to a bric-a-brac shop – whether that had actually happened not a matter for the Inspector to determine. Loss of A1 use to residential would not be an unacceptable community loss.

**SCOPE FOR COMMUNITY BUY-OUT**

**Dismissed Appeals**

Holywell Inn, Holywell Green, Yorks (253) (2017) 3157837

Local community enterprise group eager to buy the pub. Business not viable under current ownership but alternative model does “ hold out a reasonable prospect of viability”.

Travellers Rest, Skeeby, North Yorks (261) (2017) 3161299

Community Pub Society keen to buy despite pub being closed for 9 years. Premises not being marketed at a realistic price. Valued community facility would be lost.

Plough Inn, Longparish, Andover (289) (2019) 3221040

Loss of valued community facility. Noted that community group formed to try and acquire the pub.

Henry Jenkins, Kirkby Malzeard, North Yorks (293) (2018) 3184236

Existence of group aiming to buy the pub shows a clear demand and strong willingness to use the building for community purposes.

Pheasant Pluckers Inn, Burdrop, Oxon (301) (2019) 3216818

Considerable local interest in re-opening pub and purchase offers made by support group. No evidence produced that pub could not be viable.

Rose & Crown, Aston, Herts (303) (2019) 3204166

Clear evidence that valued by community, including ACV. Group established to pursue community ownership. Important local facility would be lost.

Bosville Arms, Rudston, East Yorks (308) (2019) 3219498

Founding of Community Pub Group demonstrated genuine community commitment. Loss of only pub in village would not be acceptable.

Dobermann Inn, Framsden, Suffolk (310) (2019) 3208626

Community pub group established. ‘Strong markers indicate (the pub) should be regarded as a valued local facility’, loss of which would be contrary to local and national policy. Marketing inadequate. Not shown that this could not be a viable business.

Chequers Inn, Barkestone-le-Vale, Notts (312) (2019) 3208635

Community action group formed. Loss of community facility would cause significant harm.

Plough Inn, Longparish, Andover (335) (2019) 3221040

Community purchase scheme demonstrated determination to retain premises as a community facility – real possibility it would still be used as such in future.

Bluebell Inn, Stoke Ferry, Norfolk (342) (2020) 3243282

Community campaign to acquire the pub supports the prospect of viability so non-viability not demonstrated beyond doubt.

White Hart, Foulden, Norfolk (386) (2021) 3264038

Taking account of community interest in purchase and ACV status, not demonstrated that loss would not adversely affect provision of community services in the area. Inspector unable to conclude that asking price was reasonable.

Smiths Arms, Castle Dene, Durham (389) (2021) 3275539

Inspector satisfied that pub is valued by local community, particularly given establishment of community purchase group. Very limited viability information submitted. Community group did not register an interest in the ACV process but that was not a determinative factor.

Half Moon, Sharow (405) (2023) 3312758

Reasonable prospect of continuation given high level of interest in community purchase.

Bell, Odiham (429) (2023) 3322730

Realistic prospect of viable community purchase as well as harm to heritage interest of buildings.

**Allowed Appeals**

Kings Head, West Tilbury, Essex (309) (2019) 3197444

Community pub group established but limited evidence available to Inspector on their chances of attracting sufficient funds or volunteer resources. Council had accepted that pub use was not viable. Not demonstrated that appeal site had current or future potential as a community facility.

Vane Arms, Long Newton (399) (2021) 3272218

Proposals put forward by community group not considered to be realistic; financial projections overly optimistic.

**IMPACT OF ADDITIONAL USE**

**Dismissed Appeals**

Pelican, Tacolneston, Norfolk (341) (2020) 3214456

As part of pub would remain in use, living conditions in new dwelling would not be adequate.

**Allowed Appeals**

Duke of Wellington, London E1 (260) (2017) 3150733

Current pub area to be retained but with hotel accommodation above and in extension. Considered that change of use would not lead to issues with noise sensitivity so no detrimental impact on viability or retention of A4 use.

**ENFORCEMENT ACTION/CERTIFICATE OF LAWFUL DEVELOPMENT/UNAUTHORISED RESIDENTIAL OCCUPATION**

**Dismissed Appeals**

Pheasant Inn, Ballinger, Bucks (267) (2014) 2207655

LDC claimed. Inspector concluded the premises had not been used as a house for more than four years. General degree of fluidity between private and public areas highlighted

Lamb Inn, Satwell, Oxon (268) (2017) 3170432

Enforcement notice against unauthorised residential use. Part of planning unit used for sale and storage of vehicles – this interrupted the residential use so four year period not achieved.

Centurion Inn, Walton, Cumbria (269) (2016) 3144559

Request for compliance period to be extended refused – harm caused by unauthorised development should not be allowed to continue.

Cabinet, Reed, Herts (318) (2020) 3234786

Notice required unauthorised use as a house to cease. Appeal against 6-month compliance period dismissed.

Cleveland Arms, High Ercall, Salop (319) (2018) 3199253

Notice required unauthorised use as a house to cease. Appellant claimed use as a pub had stopped only temporarily so residential use remained ancillary. Notice upheld – material change of use had taken place and constituted development.

Kings Head, Fretwell, Oxfordshire (350) (2020) 3226706

Claimed that in residential use since 2014 but cessation of trading is not proof of change of use or that public house use has ceased. Insufficient evidence produced by appellant.

Ring O’Bells, Prixford, Devon (356) (2020) 3237425

Unauthorised residential occupation. Break in occupation of more than a year meant enforcement action was within time limit.

White Hart, Bratton Fleming, Devon (357) (2020) 3240256

Unauthorised residential occupation. 7 month break meant continuous nature of breach was broken so four year period not achieved.

White Hart, Bratton Fleming, Devon (358) (2020) 3255935

Confirmed that enforcement action against unauthorised residential occupation could be taken even though appeal against it still in progress.

Greyhound Inn, Newnham, Gloucs (360) (2021) 3237062

Enforcement notice against residential occupation upheld with amendments.

Wheelwright’s Arms, Gorleston (361) (2021) 3263209

Appeal dismissed against condition making residential occupation personal to the appellant.

Pacific, Liverpool (374) (2021) 3243155

Enforcement action against change of use to ‘short-term leisure accommodation’. No evidence that current mixed use existed previously. Had been a pub with accommodation that was ancillary and incidental. Ground floor does not operate as a pub open to all.

William IV, London N1 (398) (2022) 3265866

Building occupied by Property Guardians. Agreed that this represented an unauthorised change to residential use.

Punch Bowl Inn, Hurst Green (407) (2023) 3296097

Appeal was against enforcement notice requiring demolished listed building to be restored. Held that requirements were not excessive.

Willows Inn, Cressing (415) (2023) 3290978

Enforcement action against change of use to restaurant. Found that on the balance of probabilities the alleged change of use had occurred as a matter of fact. Individuals visiting highly likely to perceive it as a restaurant.

Lamb Inn, Wartling, East Sussex (421) (2023) 3302207

Material change of use to Air BnB agreed to be breach of planning control, resulting in loss of community facilities.

Lazy Otter, Stretham, Cambs (424) (2023) 3303870

Only active use is residential therefore appeal fails. Loss of community facility unacceptable.

Half Moon Inn, Sharow, N Yorks (443) (2024) 3329087

Planning unit no longer retains characteristics or facilities of pub use. Appellant failed to show use of whole unit as single dwelling for four continuous years. Observed that permitted use does not need to be in operation if necessary facilities are provided for that use to occur.

Crown & Mitre, Bampton Grange, Cumbria (444) (2024) 3310495

Building in mixed pub/hotel use. Accepted that pub use had been abandoned but lawful use was as a hotel so current use for holiday lets was a planning breach.

Moorcock Inn, Garsdale, N Yorks (451) (2024) 3347048

Claimed to be mixed use property – part pub, part private dwelling. Agreed that the building is a single planning unit – a pub. Change of use has clearly taken place

**Allowed Appeals**

Shurton Inn, Shurton, Somerset (396) (2012) 2185278/9

Building held to be in mixed residential and pub use so enforcement notice quashed.

Crown Inn, Osgoodby, Lincs (441) (2024) 3334694

Clear that sole use of pub since 2019 had been residential therefore CLU had to be granted. Deliberate concealment not proven.

Six Bells, Gislingham, Suffolk (453) (2024) 3345755

Notice covered whole building. Upstairs flat accepted as being a separate planning unit. Ground floor still capable of being used as a pub.

**DEVELOPMENT INCLUDES NEW PUB OR RETAINS OLD PUB**

**Dismissed Appeals**

Chelsfield, Orpington (290) (2019) 3221236

Replacement pub with larger trading area to be provided but with big reduction in outside space and also very close to houses – therefore not an adequate replacement.

Blue Ball Inn, Sidmouth, Devon (321) (2020) 3235921

Houses would be erected on car park. Reduction in parking for pub would be unacceptable. Would also harm character and appearance of area.

Pelican, Tacolneston, Norfolk (341) (2020) 3214456

As part of pub would remain, living conditions in new dwelling would not be adequate.

**Allowed Appeals**

Station Inn, Knebworth, Herts (292) (2019) 3205685

Pub retained, garden lost but replaced with courtyard patio. Inspector satisfied of a genuine desire to maintain pub use.

**LOSS OF MUSIC VENUE**

**Dismissed appeals**

Flapper and Firkin, Birmingham (343) (2020) 3251101

Loss of music venue equates to loss of community facility. Local plan policy supports retention of smaller music venues.