

2.6 REFERENCE NO - 15/501978/FULL			
APPLICATION PROPOSAL Change of use from A4 (Drinking Establishment) to C3 (dwellinghouse) use			
ADDRESS Wheatsheaf Inn Warden Road Eastchurch Kent ME12 4HA			
RECOMMENDATION Approval			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL Sufficient information has been provided to demonstrate that the loss of the public house and loss as a potential community/employment use is acceptable. The use of the building as a residential dwelling would provide its future occupants with a good quality living environment.			
REASON FOR REFERRAL TO COMMITTEE Parish Council objection			
WARD Sheppey Central	PARISH/TOWN Eastchurch	COUNCIL	APPLICANT The Wheatsheaf Inn AGENT
DECISION DUE DATE 03/06/15	PUBLICITY EXPIRY DATE 16/05/15		

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site lies outside of the built-up area boundary and is within a remote part of the Isle of Sheppey, 1.2km from Warden and 1.7km from Eastchurch. The application site totals 0.2ha and contains a single two storey building with a tiled pitched roof and white painted brickwork. All signs that the building was previously a public house have been removed. There is a small grassed area to the front of the site, an access onto Warden Road and a car park to the rear. A rear garden is enclosed with 1.8m high close boarded fencing.

2.0 PROPOSAL

2.01 The proposal is for the change of use from a public house (closed since November 2014) to a single dwelling. There are no external alterations proposed and only minor internal changes.

3.0 PLANNING CONSTRAINTS

None

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) – Para.55

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- *the essential need for a rural worker to live permanently at or near their*
- *place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling.*

Such a design should:

- *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
- *reflect the highest standards in architecture;*
- *significantly enhance its immediate setting; and*
- *be sensitive to the defining characteristics of the local area.*

Para. 70

To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- *ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*
- *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services."*

Swale Borough Local Plan 2008:

4.01 Policy E1 gives general guidance regarding design and amenity, amongst others.

4.02 Policy B1 seeks to retain existing employment uses and notes that planning permission will not be forthcoming unless it can be demonstrated by expert advice that the site is no longer suitable for any employment use. Policy C1 seeks to retain existing community services and facilities, including public houses within villages. Proposals that result in the loss of such uses will be resisted unless evidence is submitted to demonstrate that the use is no longer needed or viable, nor likely to become viable.

- 4.03 Policy RC2 seeks to retain and enhance rural services and facilities and requires evidence that local services/facilities, either in use or vacant, are neither viable nor likely to become viable before planning permission will be granted for a change of use. Planning permission will only be granted for a change of use where evidence had been submitted of genuine efforts having been made to sell or let the enterprise.
- 4.04 Policy T3 (SBLP) deals with traffic, and seeks to minimise the highways impacts of any new development through the provision of adequate parking, sightlines, turning space, etc.

Emerging Local Plan – Bearing Fruits 2031 Publication Version December 2014

Policy DM3 (Rural Economy) is relevant.

5.0 LOCAL REPRESENTATIONS

- 5.01 Twenty-two objections have been received in response to this planning application. A summary of their comments is as follows:
- The Wheatsheaf has always been an integral part of the community and it was a busy and thriving pub before the current owners took it over;
 - The previous owners made a comfortable living from the establishment whereas the new owner appears to have made little/no effort – the business has been run-down;
 - The new owners have not given the pub a chance to establish itself;
 - The pub encouraged tourist activity in the area;
 - No effort to market the pub as a going concern at a reasonable price;
 - No evidence that the pub is not viable and nothing to suggest that a new landlord committed to running the business would now show a profit;
 - Does not comply with policy DM3;
 - Contrary to paragraph 70 of the NPPF;
 - If the new owners were not able to see the previous owners' accounts then how do they know that trade was declining;
 - There is a large amount of trade in the summer months from holiday-makers;
 - The pub has been operating for 100 years, why now in the last year has it failed?;
 - The maintenance and repairs required at the pub have been overplayed by the current owners;
 - The business failed because of a reduction in the car park area, reduction in restaurant area, restricting opening hours, change of menu, increased prices and, closed immediately after purchase;
 - How will the funds be raised to convert the property into a dwelling?
- 5.02 Two letters of support have been received. They comment that if the locals had supported them by visiting the premises, they wouldn't be in this situation now. The closure of the pub is upsetting for the new owners as well. The new owners put in a lot of hard work and were a 'great family'.

6.0 CONSULTATIONS

- 6.01 Eastchurch Parish Council have objected to this application. The pub was a busy and popular venue before the current owners took it on. They are concerned that alterations have already taken place inside the building, including the removal of the bar. The plans submitted are inadequate and the proposal is contrary to policies SP7; SP3 and; E1 of the Swale Borough Local Plan 2008.
- 6.02 Environmental Services have no objection subject to a condition to control the hours of construction.

7.0 BACKGROUND PAPERS AND PLANS

Existing and proposed ground and first floor plans; supporting statements including confidential document providing information about purchase prices and trading accounts and; evidence of past and current marketing.

8.0 APPRAISAL

Principle of Development

- 8.01 In accordance with the above mentioned planning policies, the applicant is required to demonstrate that the employment/community use, which the public house currently provides, is no longer viable and that it is not likely to become viable in the future. This can be demonstrated through market testing, details of the trading accounts factoring in required expenditure to make the building fit for purpose and, an appraisal of the need for the use having consideration to the uses within the surrounding area. I have sought the following information from the applicant:
1. Details of how the property has been marketed in the past and the level of interest shown;
 2. The value of the property against the costs of running the business (including details of any improvements required to the building that are essential to the success of the business);
 3. Details of alternative pubs, clubs, community halls and bars within the vicinity of the property.
- 8.02 The applicant has provided additional information in response to this request and I consider the following to be of note in the consideration of the proposed change of use.
- 8.03 By way of background information, the applicant purchased the public house on 19th November 2013 and after some refurbishment works, opened the pub on 9th December 2013 to take advantage of the Christmas trade. The applicant states that they purchased the pub without the benefit of reviewing the accounts which had allegedly been lost in the theft of the safe under the previous ownership. They were aware of the poor trading figures but put this

down to the circumstances of the owner at the time which meant that he couldn't devote his full time and attention to running the business. The applicant felt confident that they would be able to turn the business around. The applicant provides information about various marketing strategies that they used in an attempt to increase trade at the pub including special evening events, coffee mornings and quiz nights. They also attempted to modernise the food menu and provided a children's area within the pub. The applicant also initially extended their opening hours from the previous owners but after making losses, they subsequently reduced the hours (after the peak season) so that they were closed Monday-Wednesday, opening at 5pm on Thursdays and Fridays and opening at 12pm on Saturdays and Sundays as takings were not covering basic staff costs.

- 8.04 The public house remained open for business until 3rd November 2014 and has not been open to the public since then. The applicant has been living in the property without operating it as a pub but I understand that they only utilise first floor and half of the ground floor of the building for this purpose. They confirm that contrary to the comments of the Parish Council, they have not removed the bar. The reason for the closure of the public house was, according to the applicant, a result of poor trade, their inability to raise further funds to keep the business afloat (information provided in confidential document regarding a restriction on the property) and inability to make a profit. In fact, the applicant was apparently making a loss for many months prior to its closure. The applicant has provided me with details of their accounts in the confidential document. This demonstrates that in the period between December 2013 (the first operation of the pub under the applicant's ownership) and November 2014 (the closure of the pub) significant losses were made. They have also provided a summary of the VAT returns for the last year of the previous owner's occupation which also demonstrated that a loss was made, although not as significant as under the current owner.
- 8.05 In terms of marketing the property, the applicant has provided some evidence but it is fair to say that the past estate agents for the pub have not been forthcoming with any useful information. The applicant informs me that the property was marketed prior to 2012 until they purchased it in November 2013. I have evidence that marketing was done by Preferred Commercial from March 2012. The marketing information provided shows that the purchase price of the pub was reduced from £435,000 to £409,950 during the marketing period. The applicant also informs me that the property was also being marketed by Guy Simmons at the time of their purchase which I understand was for a price substantially less than it was purchased for. Both of these estate agents are nationwide commercial agents specialising in the sale of public houses.
- 8.06 In March 2014, the applicant was approached directly by a potential purchaser but it is understood that on examining the trading figures, they were advised that the business was not viable. In November 2014, the applicant was again approached directly with a view to purchasing the property but upon visiting it, she was put-off by the number of improvements required to bring the building to an acceptable standard.

- 8.07 The property is currently being marketed (since May 2015) as a business by Christies Commercial Agents who specialise in the sale of commercial and licenced business. This commercial agent confirms that the purchase price advertised is currently £395,000 and that the pub has been advertised via their website and that there is a sale board at the property. They confirm that they have received a high number (above average) of enquiries into the pub but that this has only materialised into one viewing. No offers have been made. The general feedback that they have received is that historic levels of trade would not be sufficient to make a business viable. In the opinion of this commercial agent, they concur with this view. They are of the view that there is not a sufficient level of trade for that location all year round. They have however, had a number of enquiries for the property as a residential use only.
- 8.08 The applicant has also pursued other potential community uses for the property having contacted this Council's Economic Development Officer, a specialist school and a local campaigner who would like to see The Wheatsheaf become a co-operative facility. In the applicant's view however, the size of the building, its location, and the poor state of the building structurally would effectively prevent voluntary organisations from taking the building on.
- 8.09 The refurbishment of the public house took place over a 12 month period but only resulted in the closure of the pub for three weeks immediately following their purchase in November 2013 (of which the costs are not insignificant at £40,000). Refurbishment was concentrated in the public areas of the building and back of house. These included structural repairs to the roof, placement of flooring, replacement of kitchen equipment, renewal of plumbing to kitchen and bar area, recover soft furnishings, replacement and refurbishment of public toilets and installation of disabled toilets. It is also noted that they did not carry out any repair or other works to the living accommodation. Despite the refurbishment works that have already taken place at the pub, according to the applicant, further works are required to ensure that the ground floor is water tight. General improvements to the living accommodation would also require substantial investment in the applicant's view.
- 8.10 In terms of alternative community venues, the applicant provides evidence of 12 licensed drinking establishments within a 1.7 mile distance from The Wheatsheaf (by road). These include the bars and clubs within the holiday parks that provide live bands and similar entertainment also. They also note that the established pubs within Eastchurch village offer live entertainment, pool facilities, race nights and other events. The list also includes the village halls in Eastchurch and Warden.
- 8.11 In terms of the marketing information provided and available for the purposes of this planning application, it is the case that the evidence of past demand for the use of the building as a public house is somewhat light insofar as the information from the past commercial estate agents about the level of interest in the property is not available. However, we do have evidence that it was on the market in 2012 and information about the purchase price of the property in 2013 which was for a significantly reduced price than advertised. We also

have information from the current commercial estate agent about levels of interest. Although this current period of marketing has only been since May this year, the fact that there has only been one viewing and no offers made is noted. I am also mindful of the comments by the current agent in respect of the viability of the business and I give weight to the applicant's trading accounts demonstrating significant losses as mentioned above. I note that further refurbishment works are required at the pub and this would have to be carried out to ensure that the building is able to provide a suitable business and living environment in the long-term.

- 8.12 I also note the presence of a number of local pubs, bars and community spaces within a short distance of the application site. I would expect that the pub would be busiest during the holiday seasons but am mindful that a number of the holiday parks close by have their own bars and entertainment spaces. This would cater for the holiday-makers whilst the local pubs within Eastchurch will generally cater for the local residents. In this respect, whilst the loss of this pub is regrettable and was quite clearly viewed fondly by local residents, I do not consider that the loss of this pub would be significantly harmful to the local community. I give weight to the fact that many of the local residents who had previously used the pub chose not to despite the fact that it was open for 11 months. Had the pub been such an important part of the local community, residents would have supported it by continuing to visit. I have sympathy for the current owners who do seem to have made attempts, including an investment of £40,000 into physical improvements to the public areas of the building, to make the business work over the 11 months that it was open.
- 8.13 The past and current marketing may well have advertised the pub as just that – a pub, but any commercial business or community type venture would have had sight of the particulars and could have made an offer on the property had there been sufficient interest. I have no evidence that any such offers have been made. Indeed, the applicant has made efforts to advertise the availability of the premises for other commercial/community uses (see 9.07 above) but has had not success.
- 8.14 Whilst the loss of the public house is regrettable, I am of the view that the applicant has provided sufficient evidence to demonstrate that there is very little, if any, prospect of the public house being a viable use for this building in the future. I note the lack of interest from other commercial/employment uses and community uses and note the likely significant investment needed in the building for any future use. I am also mindful of the fact that the pub would have only provided a limited number of jobs and therefore consider that the loss of an employment use here would not have a significant impact. I therefore conclude that the proposal meets the policy tests of B1, C1 and RC2 of the adopted Local Plan 2008 and paragraph 70 of the NPPF.
- 8.15 I am mindful of paragraph 55 of the NPPF which seeks to resist isolated houses in unsustainable locations. This proposal is though different to one that would see the establishment of a new dwelling in the countryside. It is the case here that there has always been residential accommodation within the

property, albeit associated with the pub. Also, there are a number of residential properties along Warden Road. The property is therefore not entirely isolated in my view. I also note that paragraph 55 of the NPPF does allow for the re-use of redundant and disused buildings. I do not therefore consider that this proposal would be contrary to paragraph 55 of the NPPF.

Visual Impact

8.16 No external alterations are proposed as part of this application. As such, I do not consider that the proposal would cause any harm to visual amenity. I do though recommend the imposition of condition (2) below, which allow the Council to control extensions to the dwelling, in the interests of the amenities of the area.

Residential Amenity

8.17 The proposed internal changes would provide a generously-sized dwelling and there is a good sized garden to the rear with potential to increase the garden space into the existing car park. I therefore consider that the building will function well as a dwelling and will provide its occupants with a good quality living environment. In terms of the impact on the adjacent resident amenities, the noise and activity at the site will be significantly reduced as a consequence of the loss of the public house. This will be of benefit to the adjacent residential properties in my view. I do not feel that it is necessary to add a condition to control the hours of construction in this case as any works required to convert the building into residential are internal only. Therefore construction noise would be limited.

Highways

8.18 The property has a large car parking area to the rear and there is an existing access to the site from Warden Road. The change of use to residential will decrease the number of vehicles using this access and the requirement for parking will be reduced significantly. I therefore consider that there would be no harm to highway safety or amenity.

9.0 CONCLUSION

9.01 Having considered the comments from local residents, the Parish Council, the relevant planning policies and the evidence from the applicant, I am of the view that the change of use from public house to a dwelling its acceptable. Sufficient evidence has been provided in my view to conclude that the use of the premises as a public house or any other type of employment/community is not viable and would be unlikely to be viable in the future. I do also not consider that the proposal would conflict with paragraph 55 of the NPPF. There are no external alterations proposed and I conclude that there would be no detrimental harm to visual, highway or residential amenities as a consequence of this proposal. I therefore consider that planning permission should be granted.

10.0 RECOMMENDATION – GRANT Subject to the following conditions.

1. The development hereby approved shall be carried out in accordance with the following approved drawings: Proposed floorplan – Ground floor; Proposed floor plan – First floor.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Upon completion, no further development, whether permitted by Classes A, B, C, D or E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out without the prior permission in writing of the Local Planning Authority.

Reason: In the interests of the amenities of the area.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.