

Development Management Report

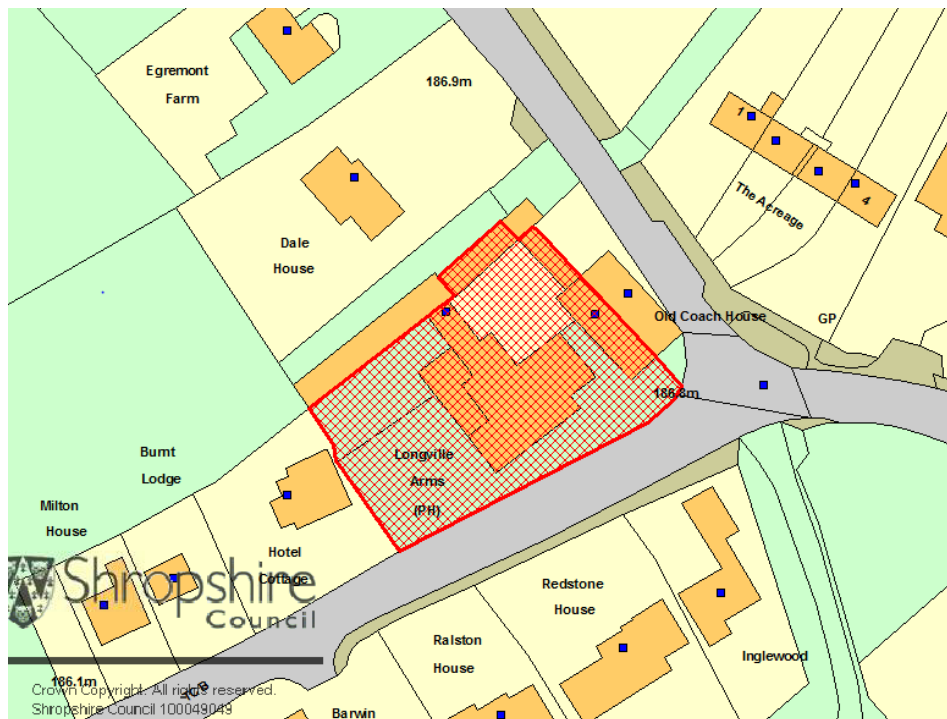
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Summary of Application

Application Number: 18/03355/FUL	Parish:	Rushbury
Proposal: Change of use of former public house to residential (re-submission of 17/01687/FUL)		
Site Address: Longville Arms Longville in the Dale, Much Wenlock, Shropshire, TF13 6DT		
Applicant: Longville Arms Limited		
Case Officer: Andrew Sierakowski	email: planning.southern@shropshire.gov.uk	

Grid Ref: 353870 - 293767



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Recommendation: Refusal

Recommended Reason for Refusal

The proposal would result in the permanent loss of a local community facility to the detriment of the social and economic vitality and quality of life of the community in Longville in the Dale.

Whilst it is acknowledged that the applicant made a trading loss in all of the years that it operated the Longville Arms and that this may be indicative of the fact that the Longville Arms, like many rural pubs is not likely to be viably maintained solely on the basis of reliance on the trade of the small locally resident population in and around Longville in the Dale, this does not itself demonstrate that it cannot still operate as a viable business by developing a wider market appeal. There has been no attempt to demonstrate why this would not work.

In addition, no independent valuation has been provided and inadequate and inconsistent information has been submitted to demonstrate that the purchase price of the Longville Arms being requested by the applicant is realistic or justified when it is being argued that the building is beyond economic repair and the business not viable. There is in addition no evidence to indicate that the applicant has sought to test the market through any amendment or reduction in the asking price over the four years that Longville Arms has been on the market.

For this reason the applicant has failed to demonstrate or justify the claim that there is no evidence of market demand for retaining the Longville Arms in its existing use as a pub or an alternative economic use and therefore that allowing the proposed change of use is justified.

For this reason, the application cannot be considered to have demonstrated that allowing the proposed change of use would maintain and enhance countryside vitality and improve the sustainability of Longville in the Dale as a rural community in accordance with Core Strategy Policy CS5. It also does not justify approval of the application contrary to Core Strategy Policy CS8 and Policy CS15 and paragraphs 83 and 92 of the NPPF which seek to ensure the retention and 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, and are retained for the benefit of the community.

REPORT

1.0 THE PROPOSAL

- 1.1 This is an application for the change of use of the existing public house to a single residential dwelling at the Longville Arms in Longville in the Dale. The application is a resubmission application following the refusal of a similar earlier application, Ref. 17/01687/FUL which was determined on the 8th August 2017.
- 1.2 The application was submitted concurrently with two simultaneous applications for Lawful Development Certificates for the continued residential use of Coach House Cottage (Application Ref. 18/04502/CPE) and The Old Coach House (Application Ref. 18/04504/CPE), which together make up the converted former coach house immediately adjacent to the east side of the main building at the Longville Arms. These previously provided holiday accommodation for use in conjunction with the pub. Both Applications were refused on 16th December 2019.

- 1.3 The application states that no external alterations are proposed, although there is a plan included which is described as indicative, to demonstrate how the external areas around the building would be utilised for private amenity space and for car parking.
- 1.4 The application further states that it has been submitted in response to the refusal of Planning Application Ref. 17/01687/FUL and in particular to the first reason for refusal which was that the proposal would result in the permanent loss of a local service to the detriment of the social and economic vitality and quality of life of the community.
- 1.5 The application therefore focuses on seeking to overcome this reason for refusal and sets out to argue that the change of use of the pub to residential use would not result in a loss of an important community facility to the detriment of the social and economic vitality and quality of life to the local community.
- 1.6 The application is accompanied by a detailed Planning Statement and Market Demand Report and other supporting evidence, including a number of appeal decisions. These in summary make the following points (which include the key conclusions of the Market Demand Report):
- That the Longville Arms was previously privately owned but was sold in 2008 to Enterprises Inns Group PLC, with the previous owners retaining the lease until 2010. It was then transferred at no cost to the subsequent leasee, who was not able to sustain the business, which failed. As a result, it closed approximately twelve months latter;
 - That Enterprise Inns Group PLC subsequently sold the Longville Arms to the current applicant in December 2011 for 50 per cent less than the amount that they purchased it for in 2008;
 - That the current applicant bought the Longville Arms from Enterprise Inns Group PLC and reopened and operated it from 2012 to 2016 when it was closed in December 2016. It operated under the name of the Longville Arms Ltd and ceased trading in February 2017;
 - That the accounts show a trading loss for each year of between 2012 and 2017, despite the employment of a professional public house manager and chefs;
 - That the current owner has spent approximately £70,000 on upgrading and refurbishing the premises including the kitchen, boilers, fittings and other improvements;
 - That a further £70,000 will need to be spent on essential maintenance and repair to bring the building up to standard for continued use as either business or domestic premises;
 - That as a consequence, Shropshire Council's Rating Officer has issued a zero rating for the property on the basis that it was uneconomic to repair;
 - That there was a low volume of footfall into the premises with irregular patterns of customer numbers, resulting in very low take-up of the food element and insufficient custom from residents within walking distance;
 - That the Longville Arms was put on the market in December 2015 with a

reputable agent who specialises in the sale of public houses. The pub alone was marketed with a purchase price of £395,000 and with the Coach House Cottage and the Old Coach House, for a purchase price of £495,00;

- That particulars were requested by 573 parties, but that there was only one viewing (by a party interested in its use other than as a pub) and no offers were made. The Longville Arms remains unsold and remains on the market with Freehold asking price of £495,000;
- That there is no evidence that the performance of the business over the 5-6 years up to the closure of the Longville Arms arose from poor management;
- That the Longville Arms was designated as an Asset of Community Value (ACV) on 3 July 2017 as a result of a Community Right to Bid being put together by the Parish Council, the Rushbury and Cardington Young Farmers' Club and approximately 80 local residents;
- That the applicant subsequently notified the Council that they wished to dispose of the property (and that it had been marketed since December 2015) and as a result a six week moratorium period came into force during which the local community could register their intention to bid. This period expired in January 2018 with the Council confirming that no intentions to bid were received;
- That the Longville Arms was subsequently subject to a 'Protected Period' during which the applicant is able to sell the property without restriction from the Community Right to Bid Legislation. This period expired in April 2019;
- That the applicant subsequently appealed against the designation of the building as an ACV at a tribunal. The decision issued by Shropshire Council upheld the listing of the Longville Arms building as an ACV but accepted that the Coach House (including Coach House Cottage and The Old Coach House) should be removed from the listing;
- That more generally, across the country, public houses in rural areas and small villages largely depend on the passing trade, which does not provide regular and consistent footfall and which results in significant wastage of food which is unsold. In addition, there is a tendency for customers to arrive by car resulting in minimal spend on alcoholic drinks. It is therefore necessary for such premises to become successful destination public houses in order to compete with public houses located in larger settlements, which can benefit from higher volume passing trade or link into other nearby attractions. This is often difficult to achieve, requiring landlords to offer a large variety of offers and promotions which results in a narrow profit margin and which in turn often incentivises single event trips with little long-term customer loyalty and few regular return visits;
- That there is no evidence that trading conditions for the business will improve and that it is highly likely that a future business would fail;
- That professional public houses owners/tenants do not as a result view the Longville Arms as a viable prospect;
- That there is no evidence of market demand for alternative commercial uses; and
- That the property will attract significant demand for change of use to residential development/conversion.

2.0 SITE LOCATION/DESCRIPTION

2.1 The Longville Arms together with Coach House Cottage, The Old Coach House and number of other outbuildings make up the Longville Arms, with all the buildings included in the application. The pub is located on the north side of the B4371 in the centre of Longville in the Dale. It is surrounded on all four sides by residential properties.

2.2 The main building is a substantial traditional painted stone built three-storey three bay structure with a tiled roof, most likely dating back to 18th or 19th centuries and was originally known as the Station House Public House. It includes managers accommodation and a number of modern extensions to the four elevations. The area to the front of the pub is entirely a tarmac surfaced car park which includes the area around Coach House Cottage and The Old Coach House with a larger car parking area to the west of the main pub building. There is a tarmac surfaced entrance between the pub and the west side of Coach House Cottage and The Old Coach House which leads into a service yard to the rear of the pub, where there is a courtyard with single storey sheds, and outbuildings, some of which have been converted and previously used as tourist accommodation, albeit that the pub is understood to have closed in December 2016. Coach House Cottage and The Old Coach House together (the former coach house) comprise a traditional stone built one and half storey structure with a tile roof, which has been internally modernised to create two separate units of residential accommodation. It is understood that they were previously used as holiday accommodation. It is attached to a similarly sized brick-built dwelling along its east side, which appears to a converted barn type building and is understood to be in separate ownership unrelated to the pub.

2.3 The recent ownership history is as follows:

- From 2003 to 2008 the pub was privately owned and managed (by J& A Livingstone);
- In 2008 the pub was sold to Enterprise Inns Group PLC, but then leased back to the previous owner until 2010, when the lease was transferred at no cost to another private individual (Mr E O'Farrell) who managed the pub for approximately twelve months;
- In 2011 the pub was sold by Enterprise Inns Group PLC to the current applicant, Longville Arms Limited;
- From 2012 to late 2016 the pub was owned and operated by the current applicant, but closed at the end 2016;
- Since 2016, the pub has remained closed.

2.4 The Longville Arms including Coach House Cottage and The Old Coach House have a fairly extensive planning history which includes the following planning applications:

- SS/1981/443/P Conversion of outbuildings into 3 self-contained residential units
 - Not determined. Superseded 13th August 1981 by Planning Application Ref.

SS/1981/464/P;

- SS/1981/464/P Conversion of part of an outbuilding to a residential unit - Approved 18th September 1981;
- SS/1985/373/P Change of Use of the Coach House to workshops for Light Industrial Use - Approved on 20th August 1985;
- SS/6092/P - Conversion of existing outbuilding to provide bedroom accommodation for letting – Approved 12 October 1995;
- SS/1987/666/P Conversion of barn to workshop, store and shop for agricultural electrician - Approved 26th October 1987;
- SS/1/00/11058/F Erection of Extension to Public House/Hotel - Approved 29th June 2000;
- SS/1/00/11060/F Conversion of a barn to 2 no. additional letting bedrooms and games room - Approved 30th August 2000;
- SS/1/05/17285/F Conversion of outbuilding to provide a holiday let unit - Approved 12th September 2005; and
- 17/01687/FUL Change of Use of former Public House to Residential - Refused 8 August 2017.

2.5 Longville in the Dale, which is located in Rushbury Civil Parish, the application states, contains approximately 50 residential dwellings with a population of approximately 160. It describes the village as semi-rural with agricultural buildings located in or close to the village and the Wilderhope Youth Hostel as being located in the countryside to the south of the village.

2.6 The village is located on the B4371 between Much Wenlock (6.9 miles to the east) and Church Stretton (6.2 miles to the west), with the largest nearby town being Telford (16 miles to the north east). The Longville Arms benefits from a prominent position in the centre of village. Public transport is provided with a bus stop opposite the Longville Arms, although the majority of travel is undertaken by car (aside from walking and cycling tourists). Longville itself has relatively few facilities with shopping, leisure and key public services being located in other nearby towns and villages. The application documents describe the type and value of residential houses in and around Longville in the Dale as consisting of medium to large family houses which are above the national average in size and the locality as being reasonably affluent with above average disposable incomes. The nearest open public houses to Longville in the Dale are the Plough Inn at Wall under Heywood (2.0 mile south west) and The Royal Oak near Cardington (2.2 miles north west). Other public houses in the nearby areas such as the Wenlock Edge (2.5 miles north east) and the Plume of Feathers at Harley (6.0 miles north east), have closed.

2.7 Longville in the Dale is located within the Shropshire Hills Area of Outstanding Natural Beauty (AONB).

3.0 REASON FOR COMMITTEE DETERMINATION OF THE APPLICATION

3.1 The application is complex and in accordance with the Council's approved Scheme

of Delegation, the view of the Planning Services Manager in consultation with the Chairman and Vice Chairman is that it should be determined by the Southern Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

- 4.1 Rushbury Parish Council: State that they strongly object to the application. They state that the Longville Arms was a thriving pub and community hub whilst in the hands of previous landlords, but that after it was taken over it lost a lot of business and that the Parish Council and other organisations which met there, had to find alternative premises for meetings.
- 4.2 They additionally state; that the previous owner, Enterprise Inns Group PLC sought to reduce their rural estate, and put the Longville Arms up for sale to reduce their borrowings; that the building was registered as an Asset of Community Value in 2017; and that the objections the Parish Council submitted in 2017 are still relevant.
- 4.3 They further state that the Longville Arms is missed as a community meeting place and that clubs must travel outside the area to access similar facility's as those offered by the Longville Arms, and some groups no longer meet. They also state that its loss has affected local tourism, and that cyclists and walkers, who are often seen picnicking in the Longville Arms car park, have told local people that they were shocked that the pub had closed.
- 4.4 They state that there would be significant support for the pub if it reopened and was well run for local people and tourists.
- 4.5 The Parish Council's comments on Planning Application Ref. 17/01687/FUL were as follows:

Rushbury Parish Council objects to this application. We have taken into account in our considerations views expressed by parishioners during the public consultation session at a very well attended extraordinary meeting of the Council, as well as comments submitted to Shropshire Council.

We are unconvinced by some of the evidence presented in the application which contains material, the relevance of which is unclear but omits important information. Of particular concern are the 'two residential properties within the curtilage'. Our understanding is that these are converted outbuildings permission for which was granted on condition that they are used as holiday accommodation in association with the public house and are as such, restricted in their use. It is not specifically stated that the application seeks a change of use of these properties to open market residential accommodation, but we would object to this on the grounds that they provide a valuable element of the local tourist economy.

The central premise of the application is that the Longville Arms is no longer a viable business and that there is no prospect of it becoming such. The sweeping statement is

made that it 'has suffered a trading loss each of the last ten years that it has traded' while evidence is only presented for the period since 2012. We heard contrary evidence that in the past it has been well patronised and former licensees were able to make it an economic success. We also heard evidence that the customer experience offered since 2012 was of a poor quality and it is possible to interpret the decline as a downward spiral of poor service leading to fewer customer numbers and hence the lack of welcoming ambience that is expected in a licensed establishment. We are left with the impression that the business would have been successful if a different management ethos had been adopted. No evidence is presented that the holiday accommodation was marketed intensively which could have generated extra income. Additional facilities such as the children's play area have been neglected.

While the increase in business rates is noted there is no evidence that any relief has been sought or indeed any other assistance with promoting and sustaining the business.

We dispute the statement that the premises have been marketed 'at a price that realistically reflects the value of the property considering all its component elements'. The 'two separate residential properties' seem to have been valued as open market residential housing while we believe that they are holiday accommodation and hence have a lower value. Evidence is presented that the main building is in need of extensive renovation. There seems to be little or no goodwill left in the business. We are not convinced that these factors have been taken into account in the valuation for marketing which we understand is well in excess of the purchase price. Additionally we note that the property has not been advertised intensively locally and that the market has not been tested by offering it at auction.

The relevance of most of the section on planning policy is lost to us as it does not appear to apply to the application. Similarly we see no relevance in the references to the development of the Wenlock Edge, the application will not of itself generate any funds and there can be no guarantee that any funds generated by the sale of the premises would be applied to this project. We refute the assertion that the Wenlock Edge Inn will provide equivalent or enhanced provision in lieu of the Longville Arms. It is currently closed, there is no immediate prospect of it reopening and it is too far from Longville. Locals and visitors in the area want a pub that they are able to walk to. It is perhaps optimistic or even arrogant to assume the those whose local facility has been closed would choose to patronize an establishment owned by those responsible for the closure.

The Longville Arms is geographically and socially at the centre of the Longville community. It is the only public house within a mile of the centre of Longville and the only facility for social gatherings within the hamlet. It has good facilities including a function room and has been used not only by local individuals but by diverse groups. Notably these include Rushbury and Cardington Young Farmer's Club, darts, domino and air rifle teams, Brockton Gun Club, the NFU and the Masonic Fellowship. Local facilities for social events are vital to combat rural isolation. We regard the Longville Arms as vital to social fabric of Longville and this is a major reason for our objection.

We are also concerned about the effect on the vital tourist industry within the AONB. There are a number of B&Bs, caravan and camping sites within the locality and their customers seek a local facility to provide drink and meals that has in the past been

provided by the Longville. A good local pub is an important part of the offer in attracting customers to tourist facilities. The pubs themselves offer employment opportunities particularly part-time work for teenagers which is an introduction to the world of work in a relatively sheltered environment. The effect on the local economy and hence employment prospects is a further reason for our objection.

We understand that a local organisation and local individuals wish to nominate the Longville Arms for listing as an Asset of Community Value. We will support them in this and a councillor has been nominated and agreed to act as the liaison person with the group.

Public Comments

4.6 In addition to the comments of the Parish Council, there have been 36 third party representations submitted by 33 individuals. Of these representations 35 offer objections to the application and one support. The representations objecting in summary make the following points:

- That the application refers to number of appeals and makes irrelevant comparisons with the circumstances in those appeal cases, for example in quoting one in which there was only one letter from local residents objecting to the loss of the public house and another where the residents' main objection was to the building of the five dwellings rather than the loss of the pub. A better comparison it is stated would be the application to turn The Fox Inn in Rytton, Shropshire into a dwelling in 1999 due to the pub not being viable, which it is stated is still in business almost 20 years later;
- From a previous landlord of the Longville Arms, that the pub had been an asset to the community, that it was an important venue for people to meet, and that it was a viable business that was well supported by the local community;
- That the proposed change of use will take away an important asset for the local community and that maintaining it as a public house, if managed well, would provide an important community asset;
- That the central premise of the application remains that the Longville Arms is no longer a viable business and that there is no prospect of it becoming so, whereas in the past it has been well patronised and former licensees were able to make it an economic success. It has only been since 2012 that the customer service offered has been of a poor quality and it is possible to interpret the decline as a downward spiral of poor service leading to fewer customer numbers and hence the lack of welcoming ambience that is expected in a licensed establishment;
- That the holiday accommodation which could have generated extra income was not marketed intensively and additional facilities such as the children's play area have also been neglected;
- That the premises have not been marketed at a price that realistically reflects the value of the property. Whilst the main building is in need of extensive renovation, the property has not been advertised intensively locally and the market has not been tested by offering it at auction;
- That the Longville Arms is geographically and was socially at the centre of the

Longville community. It is the only public house within a mile of the centre of the village and the only facility for social gatherings. It has good facilities including a function room and has been used not only by local individuals but by diverse groups. These include Rushbury and Cardington Young Farmer's Club, darts, domino and air rifle teams, Brockton Gun Club, the NFU and the Masonic Fellowship;

- That local facilities for social events are vital to combat rural isolation and that the Longville Arms as vital to the social fabric of Longville;
- Expressing concern about the effect on the tourism within the AONB, with there being a number of B&Bs, caravan and camping sites within the locality with customers that seek a local facility to provide drink and meals, which in the past were provided by the Longville Arms and that a good local pub is an important part of the offer in attracting customers to tourist facilities;
- That pubs themselves offer employment opportunities particularly part-time work, so that their loss has an effect on the local economy and employment prospects;
- That the Longville Arms is currently listed as an Asset of Community Value. It would therefore be preferable that a buyer be found who will reopen it as a public house;
- That insufficient time has been given since the ACV listing to test the market. Longville needs a public house much more than it needs another domestic residence;
- That in the right hands the pub would be a thriving business which would benefit tourism and the local economy and be an important hub for the community;
- That approving this application would leave the doors open to potential investment opportunists, thinking that they can purchase any country pub, apply for change of use and turn into other ventures;
- That there are more suitable sites for residential development in Longville and the loss of pub would be a major loss to the community;
- That somebody else should be given the opportunity to run the Longville Arms well, so that it can thrive again;
- That being able to meet and chat in a local pub is a huge prevention of social isolation for a rural and farming community;
- That tourism is the second source of income, second only to Agriculture, for Shropshire, and it is essential that well run, thriving pubs are kept open;
- That the Longville Arms was previously a successful business and with the right management team, skill set and business plan plus that required a lot of hard work. It could be a successful business again;
- That the Longville Arms was once a very busy and happy place to visit before the present owner drove everyone away;
- That the Longville Arms in the past was a busy and welcoming place of the community. This pub was a meeting place for all of the locals to go in and feel welcome. It has been a successful pub in the past;
- There are very few facilities for the rural community in Longville and what does exist should be protected;
- That the community's support for the pub is evidenced by securing its listing as an Asset of Community Value following the previous attempt to change the pub

into housing;

- That there are few pubs in the area which have full disabled access and a large function room which the Longville Arms has. With the right ownership the Longville Arms has every opportunity of being a very successful business again; and
- That the proposal includes six parking places which is excessive for one residence, suggesting that an alternative future use is proposed;

4.7 The one supporting representation makes the following points:

- That the closure of the Longville Arms and its conversion to residential use will have a minimal effect on people in the area;
- That times have changed, and the pub was being little used by the public under several owners, so that it is not a viable business for anyone to take on in the current climate; and
- That if the residents in the area thought it could work, they could have pooled together to make it a community pub but that there has been little interest and no opening offers have been made, not even under the valuation.

Technical Consultees

4.8 Shropshire Council Highways: Have advised that that the proposed development is unlikely to have any detrimental impact on the adjacent public highway network and therefore have no objection, subject to the development being constructed in accordance with the proposed layout drawing. They also advise the inclusion of an informative relating to any works on, within or abutting the public highway.

4.9 Shropshire Council Regulatory Services: Advise that there are records of there having historically been petrol storage tanks on the site and therefore that there is a source of potential contamination. If the application is approved, they therefore recommend that a condition be included on the consent requiring the submission of site investigation report, and if required a remediation strategy, and its subsequent implementation. The condition should also require the submission of a verification report once the remediation works are completed, to demonstrate that any contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990.

4.10 Shropshire Council SUDS: Advise the inclusion of an informative on sustainable drainage.

4.11 Shropshire Hill AONB Partnership: No comment received.

5.0 THE MAIN ISSUES

- 5.1
- **The Principle of the Development;**
 - **The impact of the proposal on the AONB and the rural economy; and**

- **Other Issues.**

6.0 OFFICER APPRAISAL

6.1 The Principle of the Development

- 6.1.1 The primary issue raised by the application relates the acceptability of the development in principle, and in particular whether there is justification for approval of the application, resulting in the loss of one of the few community facilities in Longville in the Dale, the Longville Arms, by allowing its conversion to a residential property. In considering the issue of the principle of the development, there are several matters to be considered. These include: (i) the financial viability of continuing the existing pub business; (ii) the asset value/purchase price of the property which has implications for any Community Organisation or third party wanting to buy and take over the running of the pub either as a going business or for another alternative economic use; (iii) the registration of the pub as an Asset of Community Value (ACV) under the Localism Act 2011 and the implications for the continuing use of the property as a pub; (iv) whether there is a viable alternative economic use; and (v) the principle of allowing the conversion of the property to residential use.
- 6.1.2 There a number of key development plan policies and a number of relevant sections in the national planning policy set out in the National Planning Policy Framework (NPPF) (2019).
- 6.1.3 In terms of the overall development strategy in the county, Core Strategy Policy CS1 sets out the Strategic Approach, which is that Shropshire should flourish, accommodating investment and new development to contribute to meeting its needs and to make its settlements more sustainable. It identifies that in the rural areas of the county, these should become more sustainable through a “rural rebalance” approach, which outside Community Hubs and Community Clusters, is primarily concerned with ensuring economic diversification. In support of this objective Policy CS15, which is concerned with Town and Rural Centres, makes clear that the rebalancing of rural settlements will be supported by the protection and improvement of existing day to day services and facilities within Shropshire’s network of villages.
- 6.1.4 Longville in the Dale does not form part of any Community Hub or Community Cluster and is therefore to be treated as falling within the rural area of the county defined as countryside under Core Strategy Policy CS5 on the Countryside and Green Belt. In relation to the principle of the change of use of existing buildings to residential use, Policy CS5, and the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan, Policy MD7 on Managing Housing Development in the Countryside, seek to control new development in accordance with national planning policies protecting the countryside. The policy, whilst intended to facilitate the conversion of buildings that are heritage assets, states that this should not be at the expense of maintaining

vitality and sustainability. More explicitly Policy CS8 on Facilities, Services and Infrastructure Provision, in line with the objectives of Policy CS1 and Policy CS15, makes clear that existing facilities, services and amenities that contribute to the quality of life of residents and visitors will be protected. The supporting explanatory text makes clear that this objective is intended to protect against the threat of closure to, and loss of rural post offices, schools, pubs and village shops in the county.

- 6.1.5 This approach is consistent with advice set out in the NPPF which in Chapter 6 on “Supporting a Prosperous Rural Economy” states in paragraph 83 that planning policies and decisions should enable the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship. In addition Chapter 8 on “Promoting Healthy and Safe Communities”, in paragraph 92, sub-paragraphs (c) and (d) state that planning policies and decisions should 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, and ensure that they are retained for the benefit of the community.
- 6.1.6 On the other hand, paragraph 118 states that planning policies and decisions should promote and support the development of under-utilised land and buildings.
- 6.1.7 The difficulty with the policies on the protection and retention of existing community assets and facilities is that they cannot be used to ensure that unviable facilities or services are maintained. They can only be used in the context of applications for changes of use and conversion of existing buildings to ensure that the potential continuing or future use of a building is not prejudiced or lost altogether. An unviable business cannot be forced to stay open and a closed business or facility cannot be forced to reopen. It is also not intended that the planning system should be used to prevent the development of new uses, where an existing or past use is no longer viable and cannot continue. What is clear however, is that the presumption of Core Strategy Policies CS5 and CS8 and also the NPPF, is that existing facilities and assets should be retained unless, it is clearly demonstrated that, this is no longer a viable option and that community and economic uses and uses which maintain vitality and sustainability and which contribute to the quality of life of residents and visitors should be considered first in preference to other types of use, including potentially residential development, which either do not or will not so obviously contribute to maintaining vitality and sustainability. Turning to each of the matters relevant to the consideration of the principle of the development, the Committee are advised as follows

The Financial Viability of Continuing the Existing Pub Business

- 6.1.8 The first issue is the question of whether the continuing operation of the Longville Arms is no longer a viable use. What the application has sought to do is demonstrate that the continuing use of the Longville Arms as a pub is not viable, (and that there is no other viable economic or community use).
- 6.1.9 The application does not include accounts or financial information directly from the applicant, although the Market Demand Report, which has been prepared by an

independent RICS qualified Chartered Surveyor, does include a summary of the trading accounts for the period that the Longville Arms has been owned by the applicant. The accounts are freely available on-line and confirm the figures quoted in the Market Demand Report. The figures show that there was a trading loss in the each of the financial years that the pub was operated by the applicant until its closure. It does not include any financial information relating to the period before the applicant took over the Longville Arms, and the report notes that *“Limited information is available to confirm the financial trading performance of the public house for the period preceding [the applicant’s] ownership...notably there are no supporting accounts”*.

6.1.10 No direct comparison is therefore possible between the trading history of the current applicant the previous owners and leaseholders, although the report also then states that whilst *“We cannot verify trading figures for the previous owners...it is [nevertheless] clear that one owner decided to sell the building and then subsequently the lease [and that] The next owner could not sustain the business and closure resulted”*, the clear implication being that the business even before the current applicant took over, was not viable. It concludes that there no reason to consider that the management of current applicant differed in any way that was significant.

6.1.11 The report goes on to provide an analysis of the reason why the business has not continued to be viable. Its states that:

“We have researched the businesses operating at the property to ascertain the reasons for business failures and ultimately the closure of the business. [It concludes that] The property location is small and the immediate population is too small to sustain a viable business at the property. Therefore, availability of passing trade and the ability of the business to attract customers from the wider locality and tourists was crucial but is further complicated by the level of competition from alternative public houses in the area and the recognized decline in the public house/night time economy nationally with significant rates of closures over the last 5 to 10 years”.

6.1.12 The report comments that:

“Longville Arms Ltd, the current owner of the property, injected a significant amount of capital following purchase to re-establish the public house. Appropriately skilled and experienced staff were employed to provide the business service to customers. Despite the capital investment and considerable efforts of the staff and owners over a sustained 5-year period the business was not sustainable and losses were incurred”.

Mr Murray (who is a Director of Longville Arms Ltd) is experienced in owning and running similar types of successful businesses. Evidence indicates an intention to run a profitable public house and the level of capital investment deployed and the employment of experienced staff is clear evidence of this.”

6.1.13 The report also refers to the closure of the Wenlock Edge public house it states that:

“This public house is also owned by Mr Murray/The Longville Arms Limited and it

closed in 2013 due to deteriorating trading conditions. The Wenlock Edge is located 3.8 miles away along the B4371 and the closure and resulting movement of customers to Longville Arms was expected to indirectly boost the trading performance of Longville Arms. Unfortunately, the closure made little difference which supports my view that trading conditions in general for public houses in the locality and region was declining”.

6.1.14 The overall conclusions of the Market Demand Reports are that:

“I have found no evidence the performance of the business over the last 5 to 6 years relates to poor management of the business. Whilst former customers may remember a busy public house many years ago there is no evidence that trading conditions for this property/business will improve and it is highly likely that future business will fail resulting in the property being vacant for prolonged period of time and the fabric and condition of the property will inevitably deteriorate leaving a prominent building adversely affecting the character of the village.

6.1.15 There are a number of points to note from the report. Firstly, there is no doubt that the trading accounts demonstrate that the Longville Arms made a net trading loss in each year it was operated by the applicant.

6.1.16 Second, there is no available evidence as to whether the pub previously operated with a trading profit or loss, although one of the third-party representations, as detailed above, which was submitted by a previous landlord states that they had been a “successful” landlord and that there was a “viable business”. When this was, and what the trading accounts were, is not known but is anecdotal evidence that the pub has at some point in the past operated with a trading profit. What is clear from the third-party comments, is that there is widely held view amongst local residents in Longville in the Dale that the Longville Arms has previously operated as a successful and welcoming pub and that it could do so again. There are both implicit and explicit comments to suggest anecdotally that the pub had ceased to be sufficiently welcoming and attractive place to make local residents want to use it any significant way, leading to a significant decline in trade from local residents, although this may have started even before the current applicant took over the management of the pub.

6.1.17 It is nevertheless a reasonable assumption that when the previous owner, Enterprises Inns Group PLC, which is the largest portfolio manager of pubs in the UK, with over 4,000 properties, bought the Longville Arms in October 2008, it did so, on the presumption that it could be operated with a view to making a trading profit. The fact that they subsequently sold the pub again three years later, may confirm, as the application argues that this did not turn out to be the case, but this is not necessarily so, with the comments from the Parish Council suggesting that sale was in fact driven by the need for Enterprise Inns Group PLC to reduce its level of borrowing. Equally one would have to assume that the current applicant bought the Longville Arms in late 2011 on the same basis, and indeed the Market Demand Report states this. What is also now widely recognised is that over the last ten years the viability of rural pubs has become increasingly marginal and many simply unviable, with a very significant numbers of closures of rural pubs right across the UK, including in rural Shropshire. Nationally, the Office for National Statistics figures indicate that the number of pubs in the UK declined from 50,000 in 2018 to 39,000 at

the end of 2018.

- 6.1.18 Furthermore, it is widely recognised that the population in rural areas are very often too small to viably maintain their pubs and that to survive it is necessary that they become a destination pub, offering high quality food and drink which can draw in visitors over a wider area or significant tourist trade. It is also recognised that this cannot be a solution for all rural pubs. The Market Demand Report as noted above, states that a village of the size on Longville in the Dale with a population of approximately 160, *“is too small to sustain a viable business at the property”*. It suggests that the availability of passing trade and the ability of the business to attract customers from the wider locality and tourists was crucial but that this too has been made more difficult by the level of competition from alternative public houses in the area. It is the case, that there have been examples of nearby pubs that have developed as destination pubs, and even some that have been taken over as community pubs. A notably nearby example is the Pheasant at Neenton, although there are also specific circumstances that have enabled the re-development of the pub there. The key relevant point is that the difficulties faced by rural pubs are now well known, that many have closed because they are no longer viable and that whether they can be kept open and developed, will depend on a number of circumstances, which is likely to include a management approach, the location and the market and whether passing trade can successfully draw in those looking for a high quality destination. Some of these factors, notably, an appropriate business strategy and good management, and the quality of the offering, which may be critical to success, go beyond the what may be considered to be material planning considerations and make it very difficult to assess whether a pub in one rural location may still be viable when another pub in another rural location may not be. What is also likely to be the case is that such an approach will not work for all pubs, and that overall there will be a reduction in the number of rural pubs.
- 6.1.19 This raises the question of whether there are any particular factors that favour or militate against the viable reopening of the Longville Arms. This is difficult to say with any certainty. Comparison with the Wenlock Edge as the other (currently closed) pub owned by the applicant and one of the closest neighbouring pubs, suggests that on the one hand that the location of the Wenlock Edge, because of its location on Wenlock Edge, maybe more likely to attract tourist trade, but is not located in a village. The Longville Arms on the other hand is located in a village and is relatively close to Wilderhope Manor and the youth hostel there. It is still in the AONB relatively close to Wenlock Edge, so still has potential to attract tourist trade, but also because of its location on the B4371, which is the main road between Much Wenlock and Church Stretton, is arguably in a much more accessible location, than many more remote rural pubs. It therefore enjoys a level accessibility that would lend itself to attracting passing trade and as a destination pub.
- 6.1.20 The conclusions on viability then are that the applicant was not able to make trading profit in any of the years that it operated the Longville Arms. This is not necessarily confirmation that the pub is no longer viable, but it is certainly indicative of the fact that the Longville Arms like many rural pubs is not likely to be viably maintained on the basis of reliance on the small locally resident population in and around Longville in the Dale. Whilst the application states that the applicant invested a not insignificant amount in the pub by way of maintenance and improvements, there is nothing to

suggest that this was done with a view to developing the Longville Arms as a high-quality destination pub. It appears from the comments of the Parish Council and the third-party representations, as anecdotal evidence, as well the information set out in the application itself, that the quality of the offering at the pub has resulted in significant proportion of the local residents choosing not to use it, although it is not possible to draw the conclusion that if this was not the case, that its viability would be restored. Equally, there is no evidence that developing the Longville Arms as a high-quality destination pub has been given any significant consideration and there has been no attempt to demonstrate why this would not work, when it is a successful model that has worked at some other pubs in rural Shropshire.

The Asset Value/Purchase Price of the Property

6.1.21 Moving on to the second issue of the asset value/purchase price of the Longville Arm, there is a suggestion in the comments from the Parish Council and third-party representations that the pub has been significantly over-valued in the asking price, the implication being that this has been a factor, possibly a significant factor, in why it has not sold. The price is important, because it may seriously affect the level of interest in buying the property whether it is a community organisation potentially seeking to take over and run the pub as an Asset of Community Value (ACV), or it a third party, looking to do so or develop an alternative economic use. Some local planning authorities have set strict tests in relation to the marketing of community facilities and the length of time that they have to be for sale before they will consider granting planning permission for a change of use. Policy CS8 is not quite so specific in its requirements, although it is not unreasonable that the Council should give consideration, as a material consideration, to the marketing and sale price of community facilities, and particularly pubs before determining applications for their change of use, and especially so given the objective of Core Strategy Policies CS8 and CS15 and the requirements of the NPPF. The primary consideration is that the purchase price being sought is an accurate and realistic reflection of the value of the property, and the concern may be that this has been deliberately set so high as to ensure that no bids come forward. This allows the applicant to argue that there is no interest and therefore that either there is no interest in taking over a pub as a viable going concern or that there is no viable alternative economic use. For any Community Organisation, especially in a community as small as Longville in the Dale, it may simply make submission of a bid impossible.

6.1.22 As set out above the pub, without Coach House Cottage and the Old Coach House was marketed on behalf the applicant with a purchase price of £395,000 and with them for a purchase price of £495,000. Whether this is realistic is difficult to tell as the sale price for rural pubs has a wide range of influencing factors, including the type and size of property, location, turnover, the trading loss/profit, the condition of the buildings etc. A search on-line (undertaken on 27th January 2020) shows that there are currently approximately 30 pubs or similar properties for sale in Shropshire, with prices varying from substantially less, to substantially more, than the purchase price at which the Longville Arms has been marketed (and continues to be). The original purchase price paid by the applicant has not been disclosed although the publicly available accounts for the first year (2013) after the applicant acquired the Longville Arms show the companies tangible assets as having been £324,826. It cannot be stated for certain that this reflects the price paid for the purchase of the

Longville Arms, by the applicant, but this is significantly less than the purchase price that has been sought when the Longville Arms was put up for sale by the applicant in 2015. It also the case that there some significant inconsistencies in the application. The Planning Application Statement states that the applicant spent £70,000- £80,000 on repair and maintenance of the pub during the period between its purchase in late 2011 and its closure at the end 2016, and that additional works to the value of £70,000 are also required. The latter it states has resulted in *“the Council’s Rating Officer concluding that the property is uneconomical to repair and thus issued a zero rating for the property”*. The Market Demand Report by contrasts states that:

“My inspection focusses on overall condition that would affect market value or saleability, but it was not a detailed building survey.

The property is aged and there is evidence of the effects of weathering and wear and tear to external surfaces and some roof tiles have slipped. However, I found no evidence of serious structural failure or disrepair.

The internal finishes are satisfactory, and I found no evidence of significant disrepair or damage that would prevent the property from being use as a public house.”

6.1.23 It should however be noted that it also states that:

“the timber joists supporting the ground floor (over the basement) has been subject to wood boring insect attack and requires treatment and also the fixed wiring and electrical installation has failed a test and requires significant remedial works”.

6.1.24 The information submitted is therefore not consistent in the conclusions about the condition of the building. There is no independent valuation included in the submitted copy of the Market Demand Report or with the application, and there is also nothing in the report to suggest that the work required is so significant as to affect the value of the property. On the other hand, if the building is beyond economic repair, as stated in the Planning Application Statement, then one would expect this to have had a significant impact on the valuation of the building as a pub. There is no evidence submitted with the application to indicate that this is the case. If the value of the quoted tangible assets of the Longville Arms Ltd in 2013 was £324,826 and this is a reflection of the purchase price, whilst at the same time the building was considered to be beyond economic repair, and the pub was not a viable business, then one would expect the application to include evidence to justify the purchase price being asked, and explain how the condition of the building and lack of viability have affected the price. There is no explanation of this in either Planning Application Statement of the Market Demand Report.

6.1.25 As an additional point it should also be noted that the Planning Application Statement states that Enterprise Inns Group PLC sold the Longville Arms for 50% less to the current applicant, than they purchased the property for three years early and that this demonstrates that:

“Enterprise Inns (a company with the largest portfolio of public houses in the UK, with a string track record of managing public houses) could not make the property work profitably”.

6.1.26 As set out above, it not necessarily the case that this conclusion can or should be drawn, and as the Parish Council comments suggest there may have been an altogether different rationale for the decision. The Statement does not state is what the applicant, has in turn sought to sell the Longville Arms for any additional discount over his original purchase price or indeed even that the listed purchase price in 2015 was less than he paid for it in 2011. As stated above there is no independent valuation included with the application.

6.1.27 In relation to the asset value/purchase price of the property, it must be concluded that the information submitted with the application is inconsistent and contradictory and does not adequately demonstrate that the purchase price requested by the applicant is justified or realistic. The concern expressed by the Parish Council and some objectors that the Longville Arms has been significantly over-valued in the asking price may have some justification. The Market Demand Report comments that:

“The property was placed on the market in December 2015 with a reputable agent who specialises in the sale of public houses. The marketing campaign has been verified and full marketing via online platforms and printed publications was undertaken. The property particulars have been requested by 573 parties and one viewing arranged. No offers to purchase the property have been received and this includes any party from the nearby areas. I can only conclude that other professional public house owners/tenants do not view the property, for whatever reason, a viable prospect”.

6.1.28 This may be the case, but given the incomplete information submitted the with the application (i.e. the absence of independent valuation) and inconsistencies in the application, it has to be questioned whether in fact there has simply been no interest in buying the Longville Arms because the purchase price does not accurately reflect the value of the property. The application has omitted to include any information on the accuracy of the purchase price or any justification for asking price being sought. It should be noted that Longville Arms has been on the market for more than four years and that during that time there has been no reduction or change in the asking price which is still listed as having a Freehold Price of £495,00.

Registration as an Asset of Community Value (ACV) under the Localism Act 2011 and the Implications for the Continuing Use of the Property as a Pub

6.1.29 The third issue relates to the listing of the Longville Arms as an Asset of Community Value (AVC) under the Localism Act 2011. On the one hand it is a significant material consideration that the Longville Arms was registered as an ACV, but it is also significant, as the applicant argues, despite being registered as an ACV, that no offer was made by a Community Organisation, or indeed any third party, to buy the Longville Arms, in spite of the significant number of enquiries to the agent. This potentially lends weight to the applicant’s argument, as stated in the Market Demand Report that, other professional public house owners/tenants do not view the property, for whatever reason, as a viable prospect.

6.1.30 What undermines this argument, is the issue relating to the purchase price as set out

above. If this is not realistic or justified, then this may have adversely affected interest in buying the property, potentially to a significant degree. As stated above there is no evidence that the applicant has sought to test interest by reductions in the asking price or inviting lower offers, with the purchase remaining, four years after the Longville Arms was first put up for sale, at £495,000 for the Freehold.

- 6.1.31 One incidental point that should be noted is, as stated above is that the application refers to the appeal against the designation of the building as an ACV and that the decision issued by Shropshire Council upheld the listing of the Longville Arms building as an ACV but accepted that the Coach House (including Coach House Cottage and The Old Coach House) should be removed from the listing. This is of little or no direct significance to this application. This issue was considered as part of the recent determination of the two Lawful Development Certificates for the continued residential use of Coach House Cottage (Application Ref. 18/04502/CPE) and The Old Coach House (Application Ref. 18/04504/CPE). The report on those two applications identified that the Reviewing Officer had referred to Coach House Cottage and the Old Coach House as being physically separate from the main pub building and as not having or recently having had an actual use (ancillary or otherwise) that furthers the interests or social wellbeing of the local community. It also refers to them incorrectly being a “separate planning unit”, when no evidence was submitted to the Listing Review either directly or indirectly from the Local Planning Authority to indicate or confirm that the properties are or were a separate planning unit. In fact, the determination of the two recent two Lawful Development Certificates has confirmed that Coach House Cottage and The Old Coach House do not comprise a separate planning unit. In any event it should be noted that the current application, which is only for a single residential unit, includes Coach House Cottage and The Old Coach House. If therefore, permission were to be granted they would have no more than an ancillary use and could not be lawfully occupied without a further grant of planning permission.
- 6.1.32 What is of relevance, is that if the Coach House Cottage and The Old Coach House were to be separately owned and occupied, then this could have an effect on the viability of the pub. This is because the two buildings were consented and developed as holiday accommodation in association with the pub and if the revenue stream from these were to be severed from the pub then this could reduce the turnover of the business and have a negative impact on the viability of the pub by reducing revenue. There would also be the added complication in land use terms of having two separate residential properties in very close proximity to the pub, raising the issue of potential amenity impacts on the occupiers of the two properties, as result of any noise, smells or other disturbance from the pub. On the other hand, if the two properties were to be sold-off, it could potentially raise a not insignificant capital sum which could be used to upgrade or undertake any works to the pub or off-set any capital liabilities, reducing outgoings, in which case there could be a benefit resulting in improved viability. Without specific assessment it is not possible to draw any clear conclusions one way or the other.
- 6.1.33 What is clear is that whilst on the one hand significant weight could have been attached to the designation of the Longville Arms as an ACV, lending weight to the argument as to why the consent for the change of use being sought should not be granted, the fact that there was then subsequently no interest from a Community

Organisation, or any a third party, in making an offer for the Longville Arms, could potentially add significant weight to the applicant's argument that the continued use of the building as a pub is not viable and that there is no viable alternative economic use. However, the lack of an independent valuation, and explanation of justification for the purchase price being requested, and the seeming unwillingness of the applicant to test the level of interest by any reduction in price over a four year period, serves to undermine to a significant degree the weight that should be attached to the lack of an offer from a Community Organisation or third party. This accordingly must add further weight to be attributed to the inadequacies and inconsistencies in the information submitted with the application, in terms of justification why planning permission should be granted for the change of use to residential, in relation to the tests set out in Core Strategy Policies CS5, CS8 and CS15 and the requirements of the NPPF.

Whether there is a Viable Alternative Economic Use

- 6.1.34 The question of whether there is a viable alternative economic use raises the same issue as the designation of the Longville Arms as an ACV. The Market Demand Report concludes that there is no evidence of market demand for an alternative commercial use. This assertion appears to be based on there having been no offers for the pub from any potential third-party buyers. Again, whilst on the face of it, this lends weight to applicant's case, this also has to be set against the lack of an independent valuation, an explanation of justification for the purchase price being requested, and the seeming unwillingness of the applicant to test the level of interest by any reduction in price over a four year period. This also adds weight to be attributed to the inadequacies and inconsistencies in the information submitted with the application.

The Principle of Allowing the Conversion of the Property to Residential Use.

- 6.1.35 Finally, in relation to the principle of allowing the conversion of the property to residential use, as set out above the presumption of Core Strategy Policies CS5, CS8 and CS15 and also the NPPF, is that existing facilities and assets should be retained unless, it is clearly demonstrated that, this is no longer a viable option and that community and economic uses and uses which maintain vitality and sustainability and which contribute to the quality of life of residents and visitors should be considered first in preference to other types of use, including residential development. In terms of the principle, the policies do not rule out the possibility of the conversion to residential, but if it has not been demonstrated that the either the existing use as pub is not viable or that there is not a viable alternative economic use, then residential conversion will not be acceptable given the presumption set out in the policies in favour of retaining existing communities facilities. On the other hand, if either has been demonstrated, then the test is one of whether the proposed change of use will maintain and enhance countryside vitality and improve the sustainability. Change of use to a single dwelling may have some very limited sustainability benefits in terms of the provision of one additional residential unit, albeit a large one, but in reality, particularly given that there are no significant works involved, the amount of weight that can be attached to this in terms of maintaining and enhancing countryside vitality and improve the sustainability the rural community is likely to be limited. Given the proposal does not propose any significant works to the building the

impact on the building as a heritage asset will be negligible.

6.2 The Impact of the Proposal on the AONB and the Rural Economy

- 6.2.1 As development with the Shropshire Hills AONB, the Council must in determining the application comply with the statutory obligation under s.85 of the Countryside and Rights of way Act 2000, to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. In addition, Core Strategy Policies CS5 and CS17 on Environmental Networks, seek to ensure that all new development protects and enhances Shropshire's natural environment including the AONB. As there are no works proposed as part of the application there no obviously significant concerns, and a condition can be attached to the grant of consent to reserve details of any landscaping and boundary treatments.
- 6.2.2 From an economic perspective, Policy CS16 on Tourism, Culture and Leisure, supports development that promotes opportunities for accessing, understanding and engaging with Shropshire's landscape, cultural and historic assets including the Shropshire Hills AONB and, rights-of-way network. Allowing conversion of the Longville Arms to residential use would be inconsistent with this objective, albeit that it does not go as far seeking to prevent the permanent loss of existing tourism and leisure facilities and services within the AONB. As such only limited weight can be attached to this inconsistency, although when also considered in the context of the Policies CS5, CS8 and CS15, as detailed above, much greater weight can be attached to the permanent loss of the Longville Arms as a community facility and the adverse impact on the vitality sustainability of the area.

6.3 Other Issues

- 6.3.1 There are three other issues that should be noted; whether the requirement for an affordable housing contribution should still be applied, highway safety considerations and the potential contamination on the site.
- 6.3.2 Affordable Housing Contribution: This an issue insofar as the requirement for an affordable housing contribution under Core Strategy Policy CS11 on the Type and Affordability of Housing was set out in the Officer's Report on the previous application Ref. 17/01687/FUL. The Policy includes a requirement for an affordable housing contribution from residential conversion schemes in the countryside, where permitted under Policy CS5, except listed buildings. This requirement has however been superseded following the Written Ministerial Statement by the Minister of State for Housing and Planning on support for small-scale developers, custom and self-builders issued in November 2014 and the subsequent change in policy set out in the NPPF. As a result, the requirement for an affordable housing contribution no longer applies.
- 6.3.3 Highway Safety: It should just be noted that the Highways Officer has advised that the proposal does not give rise to any highway safety concerns and therefore does not raise any significant issues in relation to relevant development plan policy set out in Core Strategy Policy CS6 on Sustainable Design and Development Principles.
- 6.3.4 Contamination: The risk of contamination on the site is set out in the comments from Regulatory Services. These do not raise any significant issue in relation to the

determination of the application and can be addressed, as recommended, by condition to ensure compliance with Core Strategy Policy CS6 on Sustainable Design and Development Principles and paragraphs 178-180 of the NPPF.

7.0 CONCLUSION

- 7.1 For the reasons set out in this report, the application has not overcome the first reason for refusal stated in decision notice on Planning Application Ref.17/01687/FUL and in particular that the proposal would result in the permanent loss of a local community facility to the detriment of the social and economic vitality and quality of life of the community in Longville in the Dale.
- 7.2 Whilst it has been demonstrated that the applicant made a trading loss in all of the years that it operated the Longville Arms and that this may be indicative of the fact that the Longville Arms, like many rural pubs is not likely to be viably maintained solely on the basis of reliance on the trade of the small locally resident population in and around Longville in the Dale, this does not itself demonstrate that it cannot still operate as viable business. Whilst the application states that the applicant has invested a not insignificant amount of capital in the pub by way of maintenance and improvements, there is nothing to suggest that this was done with a view to developing the Longville Arms with a wider market appeal or to even retain the custom of the local community in and around Longville in the Dale. Anecdotal evidence set out in the comments from the Parish Council and third-party representations suggest that the Longville Arms has become a place that was no longer sufficiently welcoming and attractive as a place to visit. There has been no attempt to demonstrate why developing a wider market appeal would not work when this has as a successful model been adopted in some other pubs in rural Shropshire.
- 7.3 In addition, no independent valuation has been provided and inadequate and inconsistent information has been submitted to demonstrate that the purchase price of the Longville Arms being requested by the applicant is realistic or justified when it is being argued that the building is beyond economic repair and the business not viable. There is in addition, no evidence to indicate that the applicant has sought to test the market through any amendment or reduction in the asking price over the four years that Longville Arms has been on the market.
- 7.4 Significant weight can be attached to the designation of the Longville Arms as an Asset of Community Value (ACV), but equally significant weight can also be attached to the lack of any offers or interest in buying the Longville Arms, whether by a Community Organisation or a third party, which is in favour of the applicant's case. The latter is however significantly diminished by the shortcomings in demonstrating that the purchase price set by the applicant is realistic or justified. For this reason the applicant has failed to demonstrate or justify the claim that there is no evidence of market demand for retaining the Longville Arms in its existing use as a pub or an alternative economic use and therefore that allowing the proposed change of use is justified.
- 7.5 For this reason, the application cannot be considered have demonstrated that the allowing the proposed change is use would maintain and enhance countryside vitality and improve the sustainability of Longville in the Dale as a rural community in

accordance with Core Strategy Policy CS5. It also does not justify approval of the application contrary to Core Strategy Policy CS8 and Policy CS15 and paragraphs 83 and 92 of the NPPF which seek to ensure the retention and 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, and should be retained for the benefit of the community.

7.6 It is therefore recommended that the application be refused for the reason(s) set out at the beginning of this report.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

8.1.1 There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry; and
- The decision may be challenged by way of a Judicial Review by a third party.

8.1.2 The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However, their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore, they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

8.1.3 Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

8.2.1 Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

8.2.2 First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

8.2.3 This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

8.3.1 The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

9.1 There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

National Planning Policy Framework (2019)

Shropshire Local Development Framework: Adopted Core Strategy (March 2011)

- Policy CS1: Strategic Approach
- Policy CS5: Countryside and Green Belt
- Policy CS6: Sustainable Design and Development Principles
- Policy CS8: Facilities, Services and Infrastructure Provision
- Policy CS11: Type and Affordability of Housing
- Policy CS15: Town and Rural Centres
- Policy CS16: Tourism, Culture and Leisure
- Policy CS17: Environmental Networks

Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan (December 2015)

- Policy MD7a: Managing Housing Development in the Countryside

Relevant Planning History:

PREAPP/16/00248 - Proposed redevelopment of site for housing. PREUDV 4th August 2016
 17/01687/FUL - Change of use of former public house to residential REFUSE 8th August 2017
 18/03355/FUL - Change of use of former public house to residential (resubmission of 17/01687/FUL) PCO
 SS/1/6092/P/ - Conversion of existing outbuilding to provide bedroom accommodation for letting. PERCON 12th October 1995
 SS/1987/666/P/ - Conversion of barn to workshop, store and shop for agricultural electrician. PERCON 26th October 1987
 SS/1985/373/P/ - Change of use of former Coach house to workshops for light industrial use. PERCON 28th August 1985
 SS/1981/464/P/ - Conversion of part of outbuilding to a residential unit. PERCON 18th September 1981

SS/1981/443/P/ - Conversion of outbuildings into 3 self-contained residential units. SUPERS 13th August 1981

SS/1/00/11060/F - Conversion of barn to 2 No. additional letting bedrooms and games room. PERCON 30th August 2000

SS/1/00/11058/F - Erection of extension to public house/hotel. PERCON 29th June 2000

SS/1/05/17285/F - Conversion of outbuilding to provide holiday let unit. PERCON 12th September 2005

SS/1/99/009767/F - Erection of an entrance porch. PERCON 8th April 1999

SS/1978/-/A/130 - Display of projecting illuminated 'Wm Youngers' advertisement sign. REFUSE 28th July 1978

11. Additional Information

[View details online:](#)

List of Background Papers

- Application Documents, Representations and Consultation responses for Planning Application Ref. 18/03355/FUL available to view online at:
<https://pa.shropshire.gov.uk/online-applications/search.do?action=simple&searchType=Application>
- National Planning Policy Framework (2019)
- Shropshire Local Development Framework: Adopted Core Strategy (March 2011)
- Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan (December 2015)

Cabinet Member (Portfolio Holder)

Councillor Gwilym Butler

Local Member

Cllr Cecilia Motley

Appendices

None.