



# Appeal Decision

Hearing held on 10 September 2024

Site visit made on 10 September 2024

**by V Simpson BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 October 2024**

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**Appeal Ref: APP/L3245/W/23/3331859**

**Plough Inn, Wall-Under-Heywood, Church Stretton, Shropshire SY6 7DS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Chris and Rosemary Thomas against the decision of Shropshire Council.
  - The application Ref is 22/04358/COU.
  - The development proposed is the change of use of public house to additional residential accommodation.
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## Decision

1. The appeal is allowed and planning permission is granted for the change of use of public house to additional residential accommodation, at Plough Inn, Wall-Under-Heywood, Church Stretton, Shropshire SY6 7DS in accordance with the terms of the application Ref 22/04358/COU, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan – dated 09/22, and Block Plan – dated 09/22.

## Preliminary Matters

2. Paragraph numbers taken from the December 2023 version of National Planning Policy Framework (Framework) are cited in this decision letter.

## Main Issue

3. The main issue is the effect of the development on the vitality of the area and the quality of life of the local community.

## Reasons

4. The Plough Inn Public House (the Plough), forms one of a small cluster of mainly residential properties, in an area known as Wall Under Heywood, which is within the parish of Rushby. During the hearing, the appellants confirmed that they traded from the Plough between 2015 and 2020 and that the pub has been closed since the Spring of 2020.

5. Wall Under Heywood is not identified as a settlement within either the Shropshire Council Core Strategy<sup>1</sup> (core strategy) or the Shropshire Council Allocations and Management of Development Plan<sup>2</sup> (the SAMDev). As such, the requirements of core strategy policy CS15 are not applicable. This was agreed at the hearing by the main parties, and I have reached the same view.
6. Collectively, core strategy policies CS6 and CS8 seek to protect existing facilities, services, and amenities that contribute to the quality of life of residents and visitors. This is unless it can be shown that provision is made for equivalent or improved provision, or, it can be demonstrated that the existing facility, service, or amenity is not viable over the long term. Within the explanation of core strategy policy CS8 it is confirmed facilities, services, and infrastructure include pubs.
7. Paragraphs 88 and 97 of the Framework share similarities with core strategy policies CS6 and CS8. They seek to; support the retention of accessible local services and community facilities such as public houses; guard against unnecessary loss of valued facilities and services; and ensure that established facilities are retained for the benefit of the community.
8. How compliance with core strategy policies CS6 and CS8 should be assessed is not specifically detailed within these policies. Nor has my attention been drawn to any supplementary planning documents or other guidance documents, that provide detailed advice on this matter. That being the case, my assessment of policy compliance must be made based on the evidence and information supplied.
9. I understand there has been a reduction in the number of pubs that are away from the main towns and villages in the wider area. However, it does not automatically follow that the closure of these other pubs would increase the demand for or the viability of the Plough.
10. The business accounts provided show that the Plough made a loss in the accounting years ending in 2015, 2016, 2018 and 2019. While a profit was recorded in the accounting year ending 2017, the small scale of such profit is dwarfed by the much larger losses reported in the other years between 2015 and 2019. Furthermore, had a sizable Government grant not been made to the business in 2020, then the business would also have made a loss in 2020.
11. The account information also shows reductions in sales turnover in each of the years between 2015 and 2020, and reductions in expenditure on wages/salaries between 2015 and 2018 - with no such expenditure being made in 2019 or 2020. Moreover, while the accounts show a modest Director salary was drawn in 2015, they also show that no such payments were made in subsequent years. Had wages/salaries been paid to the appellants over all the years they worked in the business, then the extent of the losses would no doubt be substantially higher than reported in the accounts. For these reasons, the account details demonstrate that the operation of the Plough has not been financially viable under the management of the appellants. This view was also expressed by the Council during the hearing.
12. No business account details have been provided for the years before the appellants took ownership of the Plough. However, and although anecdotal,

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<sup>1</sup> Shropshire Council - Shropshire Local Development Framework: Adopted Core Strategy March 2011

<sup>2</sup> Shropshire Council - Allocations and Management of Development (SAMDev) Plan Adopted Plan 17/12/2015

during the hearing the appellants indicated that the Plough had a high turnover of managers and several different freeholder owners between 2003 and 2014. This account was not disputed by either the Council or those interested parties in attendance, and I therefore have no reason to doubt it. I appreciate that there are many reasons why tenancies or leases may end, and freeholds sold. However, such a large turnover of ownership and management in the years between 2003 and 2014, provides a strong indicator that the Plough was not viable and/or sufficiently profitable to warrant being retained.

13. The Plough is several miles from larger population centres which include Church Stretton and Much Wenlock. Both of which contain several pubs/eateries. As such, it is unlikely that those residing either in or close to those settlements would routinely choose to visit the Plough over those pubs and restaurants that are closer to them.
14. The evidence demonstrates that there is a range of visitor accommodation in the parish of Rushby, and that the wider Shropshire Hills National Landscape is a popular destination for tourists and visitors. Nevertheless, and albeit a snapshot in time, during my mid-week and late afternoon site visit, there wasn't a lot of passing traffic on the B4371 road to the front of the pub, and I have no reason to doubt that such traffic levels are typical. Furthermore, the public right of way on the opposite side of the road from the Plough did not appear to be well used. As such, and given the fairly remote location of the appeal site, only limited levels of passing and/or tourist custom could be reasonably expected to be generated.
15. Although not definitive, trip advisor reviews can be a useful indicator of customer satisfaction levels. The trip advisor reviews of the Plough are generally positive. That being the case, and even though my attention has been drawn to a limited number of reviews expressing poor experiences, it follows that most customers were made to feel welcome in the pub. Moreover, the appellants advised that, in their first years of management of the pub, it was open seven days a week. However, a decision was taken to reduce opening hours and days to those times when more customers could be reasonably be expected. This was a sensible business decision, which helped to reduce overheads. Even if there was a high turnover of staff, for the reasons given above, I cannot conclude that poor management led to the business being unviable.
16. During the hearing, interested parties confirmed that a range of regular groups and activities, as well as more occasional events such as quiz nights, take place within the nearby village hall (the village hall). Moreover, a well-attended monthly pop-up-pub has been established, which is also based in the village hall. Whatever motivated the opening of the pop-up-pub in January 2020, I do not doubt that its ongoing operation is harmful to the viability of the pub.
17. The monthly pop-up-pub is open less frequently and for less time than could reasonably and ordinarily be expected of an operational public house. Nevertheless, it provides a suitable alternative facility for individuals, groups, and organisations such as the local young farmers group, to regularly gather, socialise, and/or drink. It has been put to me that the parts of the village hall that the pup-up pub operates from, are taller and more echoey than the public rooms within the Plough. However, even if the village hall has a less intimate

atmosphere, I am satisfied that the monthly pop-up-pub provides a suitable alternative facility to the Plough.

18. Whether or not the market for licensed premises is generally buoyant and/or there is growing demand for such premises, it does not necessarily follow that demand for pubs in more remote locations is also buoyant. No specifically named market demand report has been provided. However, in a letter dated 10 March 2020, Sidney Phillips - a national property agency specialising in leisure and hospitality properties confirm that they marketed the Plough for sale as a public house, between early November 2019 and June 2020, at a price of £295,000. Furthermore, I have no reason to doubt the appellant's assertion that it continued to be so marketed until June 2020. Based on both the Sidney Phillips letter dated 23 June 2022 and the Council's agreement during the hearing to the valuation given within it, I accept that the price it was marketed for during this time was a realistic reflection of its value.
19. I have not been directed to any policy requirement or associated guidance indicating that the pub should have been marketed for a full year at a realistic price. Nevertheless, I am satisfied that the Plough was subject to a comprehensive marketing campaign, at a reasonable price and for a reasonable time. Despite several parties viewing the property between November 2019 and June 2020, the written evidence and the appellant's verbal comments indicate that no offers to purchase the property were made during that period. Consequently, I consider that the marketing exercise undertaken over 2019-2020 demonstrates a lack of demand for the property as a public house, at a reasonable price.
20. The evidence shows that parties have expressed interest in purchasing, leasing and/or renting the Plough, both before and after the marketing exercise previously referred to. Varying accounts have been provided for why none of this interest has translated to a change in ownership or management of the Plough. However, that the appellants have not been able to make the business financially viable over a period of several years, together with a high turnover of its prior management/ ownership, leads me to conclude that alternative ownership/management of the Plough would not be likely to make it a viable business.
21. The Plough has been designated as an Asset of Community Value. However, during the hearing, interested parties - including a representative of the Save the Plough Steering Committee, advised that were it for sale, the local community would not, currently, be interested in purchasing it. That being the case, the ACV designation does not lead me away from my previous findings in respect of the demand for and viability of the Plough.
22. For the reasons given, the proposed development would not cause harm to the vitality of the area or the quality of life of the local community. Consequently, it would comply with policies CS6 and CS8 of the core strategy, and it would not conflict with paragraphs 88 or 97 of the Framework.

### **Other Matters**

23. Even if the population of Neenton is significantly less than the combined population of Wall under Heywood and Rushby, no compelling evidence has been presented demonstrating that the community-owned pub in Neenton is financially viable over the long term.

24. The appeal site is within the Shropshire Hills National Landscape, which is an Area of Outstanding Natural Beauty (AONB). In considering this appeal I must therefore have regard to my duty to seek to further the purpose of conserving and enhancing the natural beauty of the AONB.
25. As set out within the 'vision' section of the Shropshire Hills AONB Management Plan 2019-24, during the hearing, the Council advised that the special qualities of the National Landscape include its richness of geology, wildlife, and heritage, and its contribution to prosperity and well-being.
26. The development subject of this appeal does not include proposed alterations to either the exterior of the building or to the wider appeal site. That being the case, it would have a neutral effect on the special qualities of the Shropshire Hills National Landscape, and it would conserve the natural beauty of this area.

### **Conditions**

27. The statutory condition specifying the time-period for the implementation of the permission is imposed. For certainty, a plans condition is also added identifying the plans to which the permission relates.

### **Conclusion**

28. For the reasons given above, and having regard to the development plan as a whole and any other material considerations, I conclude that this appeal should be allowed.

*V Simpson*

INSPECTOR

### **Appearances**

#### FOR THE APPELLANT:

Mr C Thomas	Appellant
Mrs R Thomas	Appellant
Mrs Gibbons	Representative of the appellant
Mr Edgar	Representative of the appellant

#### FOR THE COUNCIL:

Mrs D Fourie	Case Officer, Shropshire Council
Mrs M Star	Planning Officer, Shropshire Council

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INTERESTED PARTIES:

Mrs J Goss  
Mr S Reed  
Mr W Waddell  
Mr Mark  
Mr A Henderson  
Mrs G Robinson  
Mr P Nester  
Mrs S McNicot  
Mr J Walsh

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