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Listed Building Consent Application: 19/01222/LBC Internal and external alterations to facilitate the reinstatement of The Cabinet as a public house (class A4) (as amended by drawing nos. 16/001/A/01C & 16/001/A/03D received on 03/06/2019).

The Cabinet High Street Reed Hertfordshire SG8 8AH
Application submitted and validated 20th May 2019

Dear Mr Simmons

I am instructed to write to you on behalf of the Save the Cabinet Action Group ('SCAG') in OBJECTION to the applications described above.

Firstly, there is no related application for planning permission for the works shown. The chief considerations under S55 of the principal Planning Act 1990 for operational development in respect of the proposed works are:

- the building works required to facilitate the resumption of the public house use, namely extraction/ventilation for the proposed kitchen and toilets.

Which fall to be considered under local plan and national planning policy

In the case of the application for Listed Buildings Consent under the Listed Buildings Act 1990, the chief considerations are the effects on the special interest of the Cabinet as a listed building and on the character of the Reed Conservation Area, both designated heritage assets from:

- the foreseeable loss of the majority of the public house to residential use under the present proposal

- the predictable consequential complete loss of the 'retained' pub use which would result from its diminution to unviable dimensions, harming the character and appearance of the Cabinet (Grade II) and the Reed Conservation Area.
- the works required to facilitate the change of use including the internal and external alterations and effect of these on the character and appearance of two statutorily protected Designated Heritage Assets, namely the Cabinet (Grade II) and the Reed Conservation Area.

contrary to local plan and national policy relating to heritage conservation and statutory protection for designated heritage assets.

It is my client's contention that the proposal constitutes a Trojan Horse for the complete loss of the public house use in due course; that the application is inadequate in all respects and that it should be refused.

Evidence and opinion to substantiate this position follow in the substantive objection paragraphs at Section 3.

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Appendix 9 Premises Licence 2019

Appeal Decisions: PINS Ref:

APP Chesham Arms Hackney 2014 APP/U5360/C/13/2209018

APP Three Tuns 2016 APP/W0530/W/16/3144471

1 .Introduction.

1.1 The Cabinet public house at High Street Reed Hertfordshire SG8 8AH is a Grade II listed building, designated by the Department for the Environment (now DCMS) in 1984.

1.2 The site has been subject to a number of alterations since it was first constructed in about the C17th but has demonstrably been in public house use throughout most of its history. See SCAG Appendix 1: Cabinet History extracted from the objection made in 2017 to the earlier proposal for conversion of the whole of the premises to residential use.

1.3 The refusal of the application for residential use was considered at a public inquiry in November 2018. The Inspector's decision in the appeal (SCAG Appendix 2 Appeal Decision 3188914) concluded that the loss of the use would cause less than substantial harm to the affected heritage assets. He found that given there was demonstrable interest in the purchase of the Cabinet as well as viability evidence that the pub could return to profitable use that proposal was not the 'optimum viable use' required by NPPF Policy.

2 Author

2.1 I am an historic buildings and planning consultant of 16 years experience. I have a Masters degree in Conservation of the Historic Environment from Reading University. I have practised as an independent consultant since 2008, having previously worked at SAVE Britain's Heritage and for Stephen Levrant, the conservation architect. From 2006-2010 I was a member of Wandsworth Borough Council's Conservation Areas Advisory Committee (WCAAC) advising the authority on conservation and design matters.

2.2 Between 2001- 2010 I worked on a wide variety of projects including country houses, non-conformist and cemetery chapels and pubs and breweries. I have specialised almost exclusively in the licensed leisure sector since 2010. Two schemes in which I was instructed have been nominated for heritage awards; the Grade II Sekforde Arms in Clerkenwell (winner, RIBA London Conservation Award 2018 and the CAMRA/Historic England Award 2019 for Conservation) and locally listed Putney Cemetery Chapels, London (nominee Green Apple Conservation Award 2019, result to be announced 22nd July 2019). The Sekforde is still in pub use; the redundant chapels are in residential use.

2.3 In the past 10 years I have made, taken part in, analysed, commented on or objected to more than 200 planning and listed building consent applications affecting pubs and breweries. My clients include owner/operators, breweries, local authorities (planning policy), developers (for enabling development to return or keep pubs in use), the Campaign

for Real Ale and community campaign groups. In 2017 I contributed to the Department for Communities and Local Government in the amendments to the Neighbourhood Planning Bill relating to pubs and permitted development and the resulting General Permitted Development (Amendment) (No 2) Order 2017.

2.4 I have a forensic knowledge of the Assets of Community Value regime under the Localism Act 2011, representing and advising nominators during the application, Review and First Tier Tribunal appeal stages of more than 30 public house registrations.

2.5 I have undertaken a comprehensive programme of training as an Expert Witness through ProSols and The Academy of Expert Witnesses and have professional experience of giving opinion and evidence in the courts (Landlord & Tenant Act) and at planning public inquiries.

2.6 Professional affiliations and memberships: Brewery History Society, Pub History Society, Society of Architectural Historians of Great Britain, Tiles and Architectural Ceramics Society, Victorian Society, Georgian Group, Society for the Protection of Ancient Buildings, the Wallpaper History Society, Urban Design Group. I am a Fellow of the Royal Society of Arts (FRSA).

2.7 From 2010 to 2013 I worked pro bono as a volunteer for the Campaign for Real Ale, advising and acting for community pub campaign groups and lobbying for better protection of public houses in local, regional and national planning policy. I was a member of the Pub Heritage Group, Planning Advisory Group, London Region Pub Protection Adviser and Pub Protection Officer, SW London branch. In 2013 I was awarded CAMRA's National Campaigner of the Year Award in recognition of my work on pubs campaigns and policy making. For reasons of professional objectivity, I am no longer a member and consequently hold no CAMRA portfolios.

2.8 In 2014 I was nominated for a Wandsworth Civic Award for lobbying for better pubs protection in the borough. This culminated in the issue of a borough-wide Article 4 Direction removing permitted development rights for change of use and demolition from 120 of the borough's pubs. The Direction was issued in October 2016 and became effective in October 2017.

2.9 I am a shareholder in three ACV community pubs projects, the Garibaldi in Bourne End Bucks., the Puzzle Hall Pub in Yorkshire and the Duke of Marlborough in Somersham, Suffolk.

2.10 Planning For Pubs Services

2.10.1 The company advises and acts for a variety of clients. Advice has been given to local authorities, developers, tenant and brewery operators and intending purchasers on heritage conservation, planning and community engagement matters in pre-acquisition and PP/LB consent applications and related appeals. I have advised a number of local authorities on planning policy protection for pubs.

2.10.2 I have worked with and instructed architects and other built and natural environment specialists in devising appropriate schemes of alteration and repair and the change of use of redundant spaces and buildings to new uses.

2.10.3 I do not accept instructions for the change of use of public houses' trade and operational spaces (e.g. kitchens, cellars and gardens) to non-pub uses.

2.10.4 Since 2010 I have assisted, advised and/or represented more than 100 campaign groups, individuals and Parish Councils resisting change of use applications.

3 .Summary

3.1 The application does not comprise sustainable development and should be refused.

3.1.1 The diminution of the use and the predictable consequential loss of the use which would occur by causing the premises to become unviable thereby constitute less than substantial harm to both the listed building and the conservation area (the environmental dimension) contrary to emerging LP HE1 and Framework policies on the conservation of heritage assets P189-194, 196. Any harm requires clear and convincing justification, which has not been made out.

3.1.2 The assessment of significance and impact falls far short of the standard required to assess or justify the harm to the affected heritage assets which would occur if the applications were permitted. This is contrary to the LPA's own validation process and Local Plan and Framework policies on the conservation of heritage assets P189-194, 196. This alone is sufficient grounds to refuse the applications.

3.1.3 It has not been demonstrated that the application for listed building consent for the alterations detailed either preserves or enhances the Cabinet, as a designated heritage asset, as required by S66 of the PLBCA 1990. It must therefore be refused.

3.2 Furthermore the building appears to have subjected to rather more works than are detailed in the application. These we contend were not Urgent Works in S9 of the PLBCA 1990, but instead was a wholesale makeover which it appears, has been carried out without traditional materials, methods and workmanship. These further damage the significance of the building through loss of or harm to early fabric and the traditional plan form, contrary to S66.

3.3 The effect of this application will be, by the back door, to create a mixed use as C3 residential and A4 drinking establishment, thereby diminishing the Cabinet's character in the latter use. Partly this is indicated by the naming of rooms in the plan and by the configuration of those areas intended for pub use, coupled with the lack of toilet facilities and the ability of the occupier to close off the chief part of the building from the rooms to the north, effectively divorcing the separate parts and creating in default the same scheme that was refused earlier this year. Therefore the proposed works neither preserve nor enhance the principal building nor the Reed Conservation Area and consequently is contrary to both S66 and S72 of the PLBCA 1990. The earlier application for the mixed use as A4 and C3 dwelling was refused by the Council on or about 4th April 2019 partly for this reason.

3.4 The predictable consequential total loss of the PH use which is of sufficient value to the community to be registered by the LA as an Asset of Community Value represents harm to the social dimension, contrary to emerging LP ETC7 explanatory text 5.36 and Framework policies P83, P91 and P92.

3.5 The diminution of and potential consequential complete loss of a commercial and employment use constitutes harm to the economic dimension of sustainability. Evidence is provided with this objection that interest in the whole of the premises both for a freehold sale and a long lease is documented. The application is contrary to the requirement in the supporting text para 5.36 to 2018 Draft ETC71 that the application **“will need to be supported with evidence that at least twelve months of active marketing has been undertaken. This will include an assessment of market signals, including that the marketing has been conducted appropriately given the terms, rental values and / or sales values of the site and similar properties, the benefits of the proposed use(s) and the impact on the community of such a loss of shops, services or similar**

facilities.”

3.6 NHDC's own planning framework identifies that Reed is an unsustainable location ¹

for new development because 'it has no shop'. Diversification options which could make use of the site by increasing rather than decreasing its commercial offer or services have not been explored.

3.7 The sales particulars for the Cabinet (Appendix 3) show that the premises previously provided accommodation for 52 covers (seated patrons) and a further 14 in the Snug, with ample external covers in the pub garden during clement weather. According to local information, it was not uncommon for the pub to provide hospitality to more than 100 patrons on sunny spring and summer weekends and for special events such as New Year's Eve, weddings and so on.

3.8 North Hertfordshire District Council issued a Premises Licence for the Cabinet on or about 5th June 2019. Appendix 9. The licence is subject to a restriction on the number of customers that can be accommodated at the premises at any one time to just 50 persons. While it is accepted that Licensing is a statutory regime separate from Planning, the effect of this restriction would be to make the premises unviable in the configuration proposed.

Consequentially, the toilet provision is of itself insufficient to sustain a viable use of the Cabinet as a public house, leading ultimately to its closure. This wholly predictable outcome (the consequential loss of the use) would be harmful to its special interest as a listed building.

3.9 Furthermore, it is noted that the Cabinet continues to appear for sale or lease via Fleurets. See SCAG Appendix 3. These have been updated (22nd May 2019) to reflect the renewal of the Asset of Community Value listing but not the present Licensing status. The sales particulars record that the premises has provision for “100+ covers”. The effective halving of its trade accommodation brings into even more question the absurdity of the asking sales price for the freehold, currently set at £595k.

¹¹ We note, however, that neither the policy nor the supporting text require evidence of no interest in the premises for ongoing (or alternative community) use to justify a change of use. We also question the watering down of ETC7 in its amended form which no longer requires that the site be vacant during the marketing period or that alternative community uses have been explored or that the premises be professionally and objectively assessed as unviable before permission will be granted for a non-community use. As drafted an applicant need only demonstrate evidence of marketing while trading and need not show that there was no interest. Such a policy would allow the conversion of highly successful premises to other uses. This cannot be the intention of any protective policy. These elements of the policy should be considered before adoption.

3.10 The applicant has provided no evidence that the Cabinet has been offered for sale during his tenure, contrary to the supporting text 5.36 in draft ETC7 2018 that the premises be marketed. SCAG's own evidence is that the premises is being marketed at an inflated price reflecting its current, but unlawful, use as a dwelling. To SCAG's knowledge, the owner has not at any time complied with the requirement under the Localism Act that the local authority be informed of the owner's intention to dispose so that the nominating party (Reed Parish Council) might take advantage of the disposal restrictions imposed by virtue of the Act and its associated Regulations. Notwithstanding that, the Parish Council has made an offer to the applicant for the whole of the premises (SCAG Appendix 4 RPC Offer to Buy 2019.) but this offer was contingent on the 100+ covers being available to it as described in the sales particulars.

3.11 No evidence has been offered by the applicant that the premises in its present lawful use and configuration as a public house is, and would remain forever, unviable contrary to the requirement of the supporting text 5.36 to draft ETC7 2018. To the contrary, SCAG's evidence is that there is interest in both the purchase of the Cabinet's freehold and a lease of the premises in its entirety for its ongoing use. (SCAG Appendix 4 RPC Offer to Buy 2019 and SCAG Appendix 6 Philip Goddard Offer 2019). Consequently the applicant cannot argue that the proposal represents the 'optimum viable use' as required under NPPF P196.

3.12 Moreover, in the decision on the appeal the Inspector concluded that The Cabinet could be viable after hearing argument over three days – in its previous form.

3.12 The diminution of the services the Cabinet could offer if the application were to succeed, and the consequential permanent loss of the pub from Reed will render the village even less sustainable as a location for new development than it already is, limiting the potential for further minor windfall development to meet housing development targets.

3.13 Extraction/Ventilation. There is no detail provided with the application to demonstrate that this can be achieved in a way that respects the fabric and appearance of the listed building. No drawings of the proposed equipment or how it would appear, either internally or externally, have been provided. The drawing (plan) provided merely shows the openings to be made to the front (toilets) and side (kitchen) external walls. Given that both of these elevations are highly visible in the street scene, and that ventilation and extraction units are clearly modern and not attractive in themselves, such intrusive modern elements at these locations should be objectionable in principle. If it cannot be done in a way that is judged to preserve or enhance the designated heritage asset then consent should be refused.

3.14 Sound and fire: There is no detail provided about how sound or fire attenuation along the length of the party wall on between the new kitchen and the trade area of the pub will be achieved. No detail has been provided of how the kitchen area itself, of timber framed construction and thus highly susceptible to fire, can be proofed in a way that preserves the character and appearance of this area. It is to be noted that the alterations already undertaken to 'tank' this room (presently a bedroom) do not have consent and are themselves harmful to the character of this element of the building, originally in use as a barn (and later as the pub cellar). The starting point must be the original configuration of the premises as it was when in use as a pub and not as it presently is following the applicant's unauthorised change of use and works. If fire-proofing and sound attenuation cannot be done in a way that is judged to preserve or enhance the designated heritage asset then consent should be refused.

4 The present status of the site.

4.1 In correspondence between my client and the local authority dated 14th March 2019 (email Simon Ellis to Michael Howes of SCAG) they were informed that the applicant and current resident had been advised to cease use of the Cabinet as a dwelling house and to notify them when he had done so. An undertaking was given by the Planning officer that SCAG would be told when this notice had been given, and/or when any decision had been made on enforcing against the unlawful continuing occupation of the Cabinet as a dwelling. It appears that no such assurance has been received by either party. Consequently it appears that the breach of planning control is continuing.

4.2 Further correspondence between the local authority and the Parish Council dated 11th June 2019 stated that an Enforcement Notice would be issued 'within 10 working days', being (by my counting) 25th June 2019. No notice has been given to SCAG or the Parish Council that a Notice has been issued, and time is continuing to pass.

4.3 In an exchange between me and the Planning Case Officer at the public inquiry in November 2018 it was accepted by her that if the appeal were dismissed then enforcement would naturally follow. While it is appreciated that Enforcement is the last resort, the breach complained of has been continuing for a period of more than three years and unless action is taken soon the change of use will become valid by the effluxion of time under the 'Four Year Rule'. The local authority's failure to take enforcement action promptly following the outcome of the appeal has allowed the owner to continue to delay matters with further

applications. This delay has the effect of not triggering the powers of the council under TCPA 1990 S70C to refuse to consider further applications where enforcement action has been taken.

4.4 NHDC's draft local plan at paras 14.22 and 14.23 provides that under the right circumstances it is in a position to exercise its rights of Compulsory Purchase for Assets of Community Value on request by an aggrieved community. This appears to be such a case. It is difficult to imagine a more appropriate example.

4.5 NHDC's text on CPO powers is underpinned by S226 of the Principal Planning Act 1990 and Section 16 of the Compulsory Purchase Act 2015. The latter states:

“Authorities can receive requests from the community or local bodies to use their compulsory purchase powers to acquire community assets, which may have been designated as Assets of Community Value, that are in danger of being lost where the owner of the asset is unwilling to sell, or vacant commercial properties that are detracting from the vitality of an area.”

4.6 Offers have been made by both Reed Parish Council and Philip Goddard to purchase the freehold of the Cabinet (evidence supplied in appendices). Moreover, it appears that the marketing undertaken by Fleuret's secured interest in a lease of the premises (evidence supplied in appendices) from David Toulson-Burke, a well-established hospitality operator. A direct discussion took place between SCAG, the Parish Council and Mr Toulson-Burke and his business partner Mr Robert Haines at the Village Hall in April. The outcome was positive and encouraging. They were subsequently unable to agree suitable contractual terms relating to the state of the building and the unauthorised works which they - rightly- required to be resolved before signing a lease. As a direct consequence of this and not, from what SCAG have been told, over any difficulty with the financial terms- they withdrew from negotiations on or about 20th May 2019. (Appendix 5).

4.7 SCAG has sought to maintain a positive dialogue with North Herts District Council's planning department through meetings and correspondence. The Action Group has the continued support of their MP, Sir Oliver Heald, Reed Parish Council and local Ward Councillor Gerald Morris as well as the backing of the local community.

5 The Applications: commentary and criticisms.

5.1 The drawings.

5.1.1 These detail some of the measures that they claim would be required 'to return the building to pub use'. Signally, two of the detailed alterations – the installation of a trade kitchen and the reinstallation of a bar counter are indicated as likely to require further applications for listed building consent. It follows therefore that the application is inadequately detailed for the purposes of both planning permission (the kitchen will need to have external venting which may require specific permission) and listed building consent. If the kitchen installation and/or the bar counter and fittings cannot be made to respect the fabric of the building and planning controls, such consent(s) is/are likely to be withheld with the result that any permission or consent granted under these applications would be rendered incapable of implementation. This application should be refused.

5.2 The Heritage & Planning Statements

5.2.1 The Planning and Heritage Statements advance no arguments on either planning or listed buildings grounds for the proposed works. They rehearse the same arguments for the unauthorised works to the building, some of which were detailed in the outstanding applications for listed building consent dated 2016 and 2017, and many of which were not. A schedule of works was drafted and submitted in connection with the previous applications for listed building consent, and this is now sent again as Appendix 8 Schedule of Works 2017. The missing works have not been accounted for in the present application for listed building consent either. Some the works which have previously been identified by the applicant and those additional works identified by us in the Schedule provided (but not applied for under this or any other application) have the potential to cause very substantial harm to the fabric of the building over a period of years. Among other things, the laying of a DPM and concrete to form floors on the ground floor and the plastering of internal wall surfaces with gypsum and/or modern plaster-board finishes have the potential to cause catastrophic failure in the Cabinet's timber frame. None of this has been properly assessed or justified in this or either of the other applications.

5.2.2 Nor have any arguments been advanced to establish that the harm (or potential harm) which would occur if the application were consented and the works carried out are the minimum necessary to bring the Cabinet back into use as a public house. No explanation been given as to why the pub is not merely being reinstated to the form it took while still a public house (or at least while still configured for that use) before the applicant's unauthorised change of use and works in 2015/2016. It appears obvious to me, and to my

clients and the wider community that the sensible thing to do would be just to put it back as it was, which worked perfectly well for many years, and which may not require any harmful works to the building at all and thus potentially obviate the need for any listed building consent.

5.2.3 The Planning Statement on p2 records incorrectly that listed buildings consent was refused at appeal. The effects of the proposed change of use on the character of the listed building were considered by the Inspector in respect of the refused residential use planning application. This is the statutory requirement under the Listed Buildings Act, and one of the reasons given for dismissing the appeal was the effect of the loss of the Cabinet's use on the special interest of the listed building's character as a pub, which is not the same. Indeed, the decision specifically observes that the listed buildings applications were not the subject of the appeal. Moreover, since they are yet to be determined, they could not have been.

5.2.3 The Planning and Heritage Statements fail to provide compelling or indeed any evidence that the works to the listed building, a public house registered as an Asset of Community Value by the local authority, is necessary either to protect its use as a pub (as a community facility) or to preserve or enhance its special interest as a listed building. No evidence has been advanced in any supporting documents that the Cabinet has been marketed. This is contrary to local and national planning policy and the Listed Buildings Act which seek to protect community facilities and designated heritage assets. The listing of the Cabinet as an ACV not only underpins its value in use to them as a community, but also its historic interest as a heritage asset, and thus provides evidence to support its significance. The consequential loss of the use which would follow the implementation of this scheme of works would be harmful to its special interest.

5.2.4 The Parish Council's offer to the applicant to acquire the freehold of the whole of the premises for pub use is not mentioned in the applicant's submissions. No evidence is advanced in the application that there has been any marketing or interest by established pub operators in the reduced covers 'pub' and its inadequate toilet facilities as recorded in the issued Premises License.

5.3 The Heritage Statement.

5.3.1 The purpose of a Heritage Statement is, firstly, to identify those elements which make up the special interest of a heritage asset, whether statutorily listed or not; secondly, to

consider the impact of the proposed development (change of use and/or works under either S55 of the Principal Act 1990 or the Listed Buildings Act 1990) on the special character of the heritage asset and then (only then), where any harm is identified, to justify that harm.

5.3.2 The Heritage Statement has not fully detailed all of the works already undertaken nor has it properly considered, detailed or specified the works which would be required to return the Cabinet to pub use and to make the proposed dwelling fit for purpose as such. Indeed the drawings indicate that further applications for listed building consent are likely to be required in order to bring about the new uses. No detail has been provided on adequate sound and fire separation, the appearance of the proposed extraction and ventilation units on the character and setting of the listed building or the character of the Reed Conservation Area.

5.3.3 The application for the proposed works falls to be considered in the light of S16, S66 and S72 of the Listed Buildings Act. The Heritage Statement does not address the effect the reduction in the covers necessitated by adherence to the condition in the Premises License for a maximum of 50 patrons, or the proposed works to facilitate the change of use would have on the special character of the listed building. As we saw previously the Inspector decided that loss of the use constituted harm to the heritage asset; it therefore follows that reduction in the trade that can be accommodated must also constitute harm, especially where a subsequent and consequent loss of the totality of the use is eminently predictable.

5.3.4 The application for listed building consent is therefore inadequately detailed and should be refused on the basis that the authority cannot adequately assess the effect of the proposed alterations on the special character of the listed building, contrary to local plan and national policy and the Listed Buildings Act and should therefore be refused.

6 Materiality of Asset of Community Value registration.

6.1 Many PINS decisions have dismissed appeals for the loss of public houses (or material parts thereof including meeting/function rooms, kitchen and/or car parking) where the community value is evidenced by listing as Assets of Community Value including Three Tuns, White Lion, Centurion, Chesham Arms, Golden Lion, White Swan. All decisions supplied.

6.2 Given that the consequential loss of the use is predictable where the capacity of the premises is reduced to less than 50% of its previous trade, the listing as an ACV which has,

significantly, been renewed since the previous planning and listed building applications were made, is a material consideration. The premises will no longer be suitable for relatively large scale events such as weddings and birthday celebrations – whether inside or outside where more than 50 people might be expected to attend, and which form a significant element of the community's desire to retain the premises in use.

7 .Trojan Horse principle.

7.1 A Trojan Horse application is one which ostensibly retains the pub use while the remainder is developed for non-ancillary uses, usually residential. Such parts include upper floors previously in use as ancillary residential accommodation for the landlord and/or staff, car parking, barns and storage buildings and so on. With the reduction in trade capacity indicated by the lack of adequate WC facilities – whether or not there is any overt conversion to other uses- the site will no longer be able to function adequately.

7.2 The consequential loss of the pub use – whether deliberate on the part of the developer or simply because the remaining pub use simply was unviable in its reduced trading capacity and therefore subsequently failed or found no tenant- is, in the great majority of cases, inevitable.

7.2 The consequential loss of the public house use of the Chesham Arms, a listed ACV, to wholly residential use at a later date if an appeal against an enforcement notice to cease the non-ancillary residential use upstairs had succeeded was recognised by the inspector in that 2014 decision.

8 Conclusion.

8.1 The content of the application for listed building consent is inadequate for the purpose of deciding the application and should be refused.

8.1.1 The works required to facilitate the reinstatement of the public house use have not been detailed; indeed the drawings show that these may have to be the subject of further applications for listed buildings consent.

8.1.2 The Heritage and Planning Statements fail to identify what works are actually required or to justify them in policy terms, and no detail has been provided of adequate Building Regs compliant sound attenuation or fire separation between the kitchen and trade area(s);

these, once specified, may not secure listed buildings consent. There is severe concern about the wisdom of installing a fire hazard (kitchen) in a part of the building the original construction of which is entirely of timber.

8.1.3 The Heritage Statement does not do what it is required to do. No analysis of the impact of the proposed change of use or works to the premises has been carried out or any assessment of harm made nor any justification for any harm. No argument has been advanced that the works are justified or the minimum necessary to secure the reversion of the public house use.

8.1.4 No evidence has been advanced that the reduced trade which would necessarily occur under the conditioned Premises License is, or could be viable, for example by an experienced operator's business plan and/or an offer to lease the premises as proposed.

8.2 The application constitutes a Trojan Horse for the ultimate conversion of the whole of the premises to non-ancillary use which would represent a consequential loss of its standing as an Asset of Community Value which is a key signifier of its significance as a designated heritage asset.

8.3 The application as framed would reduce the community's ability to meet its day-to-day needs from the loss of trade capacity.

8.4 The applications fail to meet the three objectives of sustainable development. They are harmful to economic interests, to social/community interests and to environmental interests. They are unsustainable.

8.5 The application should be refused.