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## Appeal Decision

Hearing held on 6 June 2017

Site visit made on 6 June 2017

**by Alex Hutson MATP CMLI MArborA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 5 July 2017**

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**Appeal Ref: APP/M1595/W/16/3154574**

**The Bricklayers Arms, 48 Bridge Road, Grays, Essex RM17 6BZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr M Ali against the decision of Thurrock Borough Council.
  - The application Ref 15/00643/FUL, dated 2 June 2015, was refused by notice dated 19 January 2016.
  - The development proposed is Conversion and extension of existing public house into 15 No one bedroom flats to include change of use.
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### Decision

1. The appeal is dismissed.

### Main issue

2. The main issue is whether the proposal would result in the loss of an important community facility in the area.

### Reasons

3. The Bricklayers Arms is a public house dating from approximately 1890 and is located within a predominantly residential area to the east of Grays Town Centre. It ceased trading in December 2012 and has remained vacant since this date. The public house was purchased by the appellant in December 2013 after being put on the market by its former owners in March 2013. The proposal seeks to convert and extend the public house to provide 15 one bedroom flats.
4. The National Planning Policy Framework (the Framework) sets out that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should guard against the unnecessary loss of valued services and facilities, particularly where this would reduce the community's ability to meet its day to day needs.
5. Policy CSTP10- Community Facilities, of the Thurrock Core Strategy and Policies for Management of Development 2011 (Core Strategy) requires, amongst other things, the safeguarding of existing community facilities and allows their loss only where facilities of equal or better quality will be provided as part of any development. Whilst the supporting text does not make specific reference to public houses as community facilities, the main parties agree that they could reasonably be said to fall into this category. Given that public

- houses provide a place for members of the community to interact with each other, I would concur with this view.
6. The proposal would not provide any replacement community facilities so would be in conflict with Policy CSTP10. However, as the Framework does not require any replacement for such a loss, Policy CSTP10 is not fully consistent with it in this regard. However, given the general thrust of the Policy CSTP10 is to safeguard existing community facilities, I afford it moderate weight in the consideration of this appeal.
  7. The appellant considers that the importance of the public house as a community facility has been overstated and that marketing undertaken has generated little interest which demonstrates there is little prospect of its viable future use as a public house.
  8. I acknowledge that since purchasing the public house, the appellant has marketed it through various agents for rent or lease at £20,000/year or the equivalent of £1667/month. This includes through a local agent who also marketed it via a national property website which deals with residential and commercial property. I also note that the marketing agents consider the rent or lease figures to be appropriately priced. However, without any evidence of comparable rent or lease figures in respect of other public houses in the wider area, I cannot be certain that the rent or lease figure asked for accurately reflects current market trends.
  9. Furthermore, whilst the initial sale of the public house might have generated little interest at the time, a considerable period of time has passed since. As such, without any more recent marketing of the public house for sale to continue its current lawful use, I cannot be certain that there is a lack of demand for its purchase by any prospective freeholder to run it as a public house. Moreover, some interested parties, who were present at the Hearing, have indicated that they are interested in purchasing the public house to run it for this purpose. I consider that it would be unreasonable of me, on the basis of these factors, to allow the appeal without the option of the sale of the public house having been explored further.
  10. The appellant points out that there are a number of other vibrant and viable public houses in the area which would adequately cater for the daily needs of the local community. These include some within Grays Town Centre to the west, the closest being an approximate 8 minute walk from the appeal site, and some along the A126 to the east, the closest being an approximate 7 minute walk. Whilst such a walking distance might be reasonable for most people, the loss of the public house would, in my opinion, leave a noticeable void in public house provision within this particular neighbourhood. Moreover, the public house would appear to be well sited to provide an important community facility to cater for the daily needs of the local residents who live in the immediate area. In addition, it is unclear why, if other public houses in the wider area are vibrant and viable, there is little prospect of this one being so. This would also appear to contradict the appellant's case that the public house industry is in decline.
  11. There is no dispute between the parties that the public house would have been likely to have attracted trade in the past from a nearby football club prior to the closure of this club. Nonetheless, I was informed at the Hearing that the football club had its own bar facilities and did not operate all year round. It is

therefore unlikely that the public house would have relied wholly on trade from the football club. In addition, the football club has now been redeveloped for housing, which could itself generate additional trade for the public house if was to be bought back into use.

12. The public house is not listed as and has not been nominated as an Asset of Community Value under the Localism Act 2011. Nevertheless, I do not consider that this is sufficient reason to discount its importance as a community facility. A considerable number of local representations were received objecting to the proposal, which suggests to me that the public house, as a community facility, is indeed valued by local residents.
13. The public house is in poor condition internally and has suffered some recent fire damage. This might discourage its lease on a short-term basis. However, there is not substantive evidence to demonstrate that the costs involved to renovate it would render it unviable for either a long term lease or its resale to be run as a public house.
14. In light of my findings above, I consider that the public house represents an important community facility. Moreover, there is insufficient marketing evidence to demonstrate a lack of demand for a public house in this location and to indicate that its continued use as a public house would be unviable. Consequently, the proposal would fail to safeguard and would result in the unnecessary loss of an important community facility. This would be contrary to the requirements of Policy CSTP10 of the Core Strategy and to the aims and objectives of the Framework.

#### *Other matters*

15. Policy CSTP2- The Provision of Affordable Housing, of the Core Strategy, requires affordable housing to be provided for the type of development proposed. The appellant does not dispute the requirement for such provision and provided me with a draft legal agreement in respect of it at the Hearing. However, on the basis that it is unsigned, undated and incomplete, it would not put into effect what is intended. Thus, the lack of any effective mechanism to secure affordable housing provision is a matter that weighs against the proposal.
16. The proposal is intended to provide car free development. However, there is no suitable mechanism before me to secure this. Nevertheless, the Council confirmed during the Hearing that it does not consider that the proposal would generate a harmful level of on street parking pressure or would result in any harm to highway safety if it were not car free. On this basis and from my own observations of the surrounding area which appeared to provide numerous opportunities for on-street parking, I have no substantive evidence before me to take a different view.
17. The proposal would make a useful contribution to high quality housing supply and housing mix within the Borough. It would occupy a location with a good level of access to local shops, services and facilities for any future occupiers. It would reuse and respect the form and setting of the original building, a non-designated heritage asset. These benefits weigh in favour of the proposal. However, they would be insufficient, in my view, to outweigh the harm I have identified.

## **Conclusion**

18. For the reasons set out above and having regard to all other matters, including refuse storage and pressure on sewers, I conclude that the appeal should be dismissed.

*Alex Hutson*

INSPECTOR

Richborough Estates

## **APPEARANCES**

### **FOR THE APPELLANT:**

|                         |                            |
|-------------------------|----------------------------|
| Farooq Rafiq            | Inspire Planning Solutions |
| BSc (Hons), MCDI, MRTPI |                            |
| Thomas Konarski         | Inspire Planning Solutions |
| Victor Okwu             | Grays Property Management  |
| M Ali                   | Appellant                  |

### **FOR THE LOCAL PLANNING AUTHORITY:**

|                |                                                      |
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| Nadia Houghton | Principal Planning Officer, Thurrock Borough Council |
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### **INTERESTED PERSONS:**

|                   |                                         |
|-------------------|-----------------------------------------|
| Robert Aldwinckle | 2A Goddard Road, Grays, Essex RM16 2AF  |
| Ron Johnson       | 21 Quebec Road, Tilbury, Essex RM18 7RB |

### **DOCUMENTS SUBMITTED AT THE HEARING:**

1. Agreed Statement of Common Ground
2. Draft legal agreement under s106 of the Town and Country Planning Act 1990
3. Policy PMD8- Parking Standards, of the Thurrock Core Strategy and Policies for Management of Development (as amended) 2015
4. Plan showing Controlled Parking Zone
5. Plan showing proposed Controlled Parking Zone extension
6. Consultation letter relating to proposed Controlled Parking Zone extension