

PLANNING APPEAL REF: H/6955/A/2160262

TYN Y CAPEL CHURCH ROAD MINERA WREXHAM

Detailed comments on behalf of Robert A Dewey.

I fully support the decision of Wrexham CBC to refuse planning permission for the change of use of the (now former) pub.

The Council, the Welsh Government and Central Government in London have repeatedly made it clear that pubs are the centre of a community and every effort should be made to retain them. The Pub is the Hub project which the Prince of Wales supports shows how pubs can be made viable and how they should be retained at all costs.

The Wrexham UDP does have two policies which are relevant.

Policy S9 is supported by the following text:

Many neighbourhoods, villages and hamlets within the County Borough contain small scale shopping and commercial facilities which are vital to their social and economic wellbeing. These facilities usually take the form of post offices, small convenience stores, banks and public houses. The loss of these facilities could detrimentally affect local residents' quality of life and create a need to travel to facilities further afield. This policy seeks to retain facilities that provide important services for the residents of small or remote communities in particular.

Which makes it clear the importance that the Council attaches to such facilities.

S9 does set criteria by which applicants can seek to justify their proposal (ie no longer viable, has been offered for sale, is derelict or unsightly, would not harm the community) .

Policy CLF1 is also very relevant:

Policy CLF1 Development which adversely affects indoor or outdoor central multi-activity community and leisure facilities, particularly within settlement limits, will not be permitted.

9.2 Many community facilities, must be provided on an area basis so that economies of scale are realised. Existing facilities represent substantial investments and their use should be maximised. Change of use or redevelopment of community facilities will, therefore, be resisted unless they are clearly redundant, badly located or create environmental damage. Often, the amalgamation and/or enhancement of existing facilities with no adverse loss of provision locally may bring overall benefits. Community and leisure facilities include indoor provision (e.g. community centres, leisure centres, public houses, etc.) and outdoor provision (e.g. municipal parks, country parks) for multi-activity recreation and are usually centrally located within their communities.

This policy appears to be much more powerful in any attempt to stop community facilities being lost. The policy says they **will not be permitted**.

I am unclear why the authority makes no reference to this policy in its decision. Whilst I understand that the use as a public house falls within Use Class A3 (ie is in the shopping group) the use (particularly in rural/village communities) is less of a retail function and more of a community function. Thus I believe, the Inspector should take significant account of the community policy CLF1.

With that in mind, there can be no doubt (and the weight of community support confirms that) that the loss of the public house did have and will continue to have a detrimental impact upon the social and community fabric of Minera. Its loss should not be finalised by the grant of planning permission for another use.

The applicant has failed to justify the decision to close the pub and (admittedly generally anecdotal) evidence will demonstrate that this was not due a lack of potential trade but an apparent unwillingness to properly retain the existing trade and to maximise opportunities to create and develop further business opportunities. Whilst I accept that the Council cannot manage a private business to allow it to flourish, there are ample opportunities to provide business advice which do not appear to have been taken. The most widely publicised example is the 'Pub is the Hub' and the Co-operative Organisation also provides advice and finances for such enterprises.

The work undertaken by the community since the pub's closure very clearly demonstrates the willingness and ability of the community to take the initiative if the current owner is unwilling or unable to do so. However, I understand that the community have been refused the opportunity of a lease of the premises and the current sale price appears to be much greater than asking prices for similar properties I have seen advertised. It would be grossly unfair and a deliberate attempt to circumvent the S9 policy test, if the marketing exercise is undertaken at a grossly inflated price to discourage interest.

Grounds of Appeal:

The appellants suggest that their attempts to make the pub viable failed due to lack of interest by the community and they decry the efforts of the village to try and reactivate the pub.

I have no personal knowledge of how the pub was operated but I have heard many personal statements which lead me to believe that there was no real and sustained attempt to keep the pub alive. I have personal knowledge of other examples where landlords failed to devote sufficient and focused effort to keep their pubs viable. It is far too easy to "sit on one's hands" and expect trade to come to a pub. In the current climate that is not going to happen and landlords have to keep active with initiatives and have to make the climate appropriate to retain old custom and attract new.

The claim that 100% business rates were key to this fails to acknowledge the fact that many community pubs have obtained reductions in business rates. I wonder whether any genuine attempt was made to reduce the overheads?

I am in little doubt that a village the size of Minera could support a viable pub and the suggestion that it was a “destination” pub only serves to underline that there is trade available and that people will travel to a pub which is attractive and where the ambience is such as they will want to travel to it.

Belated attempts to market the pub now it has closed and goodwill has evaporated suggest a cynical approach by the owner rather than a well thought attempt to market a pub which was trading and retained goodwill. The policy expects landlords to market their pub in a genuine manner rather than advertising it solely to try and satisfy the policy. Also, given the very clear interest by the community and initial offers to rent/lease it, I find it strange that the community appears to have been rebuffed. I also believe from what I know of the property market, that the price has not been independently assessed (eg by the District Valuer) so that the question of whether the price is reasonable can be confirmed.

I urge the Inspector to dismiss the appeal inline with UDP policies, Welsh Government Policy, Westminster Government Policy and the wish of the Prince of Wales.

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