

Minutes of Extraordinary General Meeting Avon Dassett Parish Council

Reading Room - Tuesday 2 August 2016

The meeting commenced at 7.30pm.

1. PRESENT:

Councillors: Trevor Gill, Mike Blakeman, Martyn Heard, Liz Hirst, Darrell Muffitt (acting secretary).

Applicants (2):

Steve Chick, Katie Chick

Members of the Public (54): Diane Anderson, John Anderson, Ian Bailey, Sue Bailey, Peter Biddlestone, Hilary Birkbeck, Gerrard Carter, Sam Clarke, Sally Compton, Graham Fewster, Mike Forbes, Avis Forbes, Alastair Fraser, Michele Gill, Terry Gadman, Sue Harris, Charlie Heaton, Fred Heaton, Dave Hirst, Lily Hope-Frost, Tony Iltott, James Jackson, John Kegg, Candy Kegg, Gill Lewis, Elizabeth Lycett, Mrs K Martin, Mr K Martin, Margaret Maughen, John McLean, Jill McLean, Graeme Miller, V Mount, Tony Nixon, Mrs V Pick, Anna Prosser, Marveen Randerson, Ray Randerson, Kevin Reader, Deborah Reader, Daniel Robertson, James Runnicles, Sarah Rutherford, M Smith, Brita Sread, Jane Starkey, Steve Swinson, Peter Wallace, Mr M Watts, Mrs D Watts, Alastair Whetstone, Bev Whetstone, Phil Worrall, Maggie Worrall

2. Trevor Gill introduced the meeting and welcomed attendees. He confirmed that there was no press representation at the meeting. Trevor set out the ground rules for the meeting: he requested that comments should be impersonal and confined to the planning application and planning matters; he asked that all speakers limit their comments within three minutes; he said that he would invite the applicants to speak first, before opening the floor for comment; finally, he said that he would invite the Parish Councillors to make their comments. For the next steps, Trevor said that the Parish Council would make a formal submission in response to the application, based on the views of the residents and its own research and understanding of the application and planning laws and guiding principles.

3. Steve Chick spoke initially on behalf of the applicants. He showed a brochure that offered the pub for sale from June 2014. He stated that nobody wanted to buy or lease it, until their purchase in October 2105. He also showed publications to illustrate his previous success at turning around pubs and said that he had successfully turned around nine others, all but one of which, to his knowledge, were still trading. Mr Chick also referred to the significant investment that he had made in turning the Avon into a pleasant place to visit, taking into account and in response to what users had said about the lack of cleanliness and heat as a matter of priority. Despite his efforts, business had not been forthcoming.

4. Katie Chick added that their intention all along was to make the pub successful but also to settle in the village.

Please see Appendix 1

5. Fred Wright, requested that Lucy Hammond be asked to attend an open meeting to set out the criteria for her decision making. He stressed that the Stratford District Council

web site encouraged applicants and others to seek involvement and indicated that requests would receive favourable support. Trevor agreed to request a meeting.

6. Graham Fewster, stressed the need for cold hard logic and objective views. A transcript follows:

To start things off, obviously I'm opposed to the change of use and the loss of the pub. But I like Steve and Katie, I think they're good people, and I don't think they set out to screw us over.

To the best of our ability we need to keep emotion out of this. Feeling may run high, but planning battles are won and lost on cold, hard logic. Rhetoric and outrage count for nothing, and indeed may even reinforce negative perceptions of rural communities.

Object based on policy. The National Planning Policy Framework, the SDC Core Strategy and the Parish Plan are sacrosanct. The council cannot deviate from them without very good reason, if at all. Confine them with their own rules. Object not only to the loss of the pub but to the creation of housing, something which is very tightly controlled in rural areas.

Contest the claim of non-viability. Do it with logic. Use the test provided by CAMRA. Don't just say he's rubbish - that counts for nothing.

Going forward, we must consider what we want. I presume that what we want is an open pub. If the application is granted then it's game over, but I don't think it will be granted and we need to plan for what happens next. In the event that the application is rejected then we must extend the hand of friendship to Steve and Katie. Otherwise we face a long period without a pub while they try to sell or otherwise consider their next move. Object to the application vigorously, but always give them a way back. Don't make it personal.

7. Tony Ilott pointed out that the Avon was bought as a business and the applicants should have fully appreciated the risks involved; he added that risk and reward is a part of any business operation. He said that if the applicants could not make the business pay then it should be sold as a business and someone else should be given the opportunity to make it a success, before any consideration was given to permission for a change of use.

8. Anna Prosser said that she was part of the Save the Avon Group and had also tried to organise events. A transcript follows:

As one of the founding members of the Save the Avon group I was delighted when I heard that the people purchasing the Avon had owned a number of pubs, some of which continue to be run as such. When the current owners reopened The Avon I suggested that they might like to look at the survey that we carried out in the village as the questionnaire gave a clear indication of what the community would like to see happen in their village pub. The owners did not appear at all interested in the local market and I was told that the Avon was to become a "fine dining" restaurant and that they did not want to be told by others how to run a pub.

I tried to promote the Avon with the seniors and ladies of the village, by organising two events. The seniors' lunch was postponed from being a Christmas event, funded by the Dasset Fete Committee, so that we could hold it in the pub, once it was up and running. Several of the seniors work, some were away and others could not come to the event, but it did bring in 18 people who would not otherwise have had a meal in the pub on that

occasion. A number of ladies came to the first Ladies Evening but it was far too expensive for many, (£17.95 for fish and chips and a glass of wine). A few joined just for a drink.

It was hard and time consuming to get a date and a commitment to these events by the owners and they were not published or promoted by the pub.

I am not aware of any special event organised by the pub, but I did suggest that the Open Gardens and the Dasset Country Show would be great opportunities to promote themselves. I did not feel that the suggestion was taken up. Any able business person would be well aware that they would need to promote the pub outside our small Village, but I have not seen any attempt to do this.

9. Graeme Miller said that he had in the past run the Soap Box Derby, a major charitable event for the village, and one which drew in customers from all over the country. He said that when he approached Mr Chick his response was that he wanted nothing to do with the event, a point that Graham said had been validated by others. Graeme went on to say that The Avon had always been a focal point for the “Soap Box” and the finishing line was outside the front door. Previous landlords had played an active part in supporting the Soap Box and had found that it both generated income as well as drawing in new custom.

Mr Chick countered the comments by saying that he had listened to Mr Miller and requested a meeting to discuss the matter further, but had been told that there was no point as the Soap Box had been cancelled anyway.

10. Jeremy Davies – questioned if the Parish Council could canvass those on the Electoral Roll and undertake a survey of opinions on who wants a pub and those who believe that it is not required.

Trevor Gill said that he didn’t think that we have time, but pointed out that residents had had an opportunity to say what they wanted during the Save the Avon campaign.

11. Ray Randerson said that it was a shame that the pub seemed to have closed, but he said that he would like to see a full years trading. The summer and Christmas periods present key trading opportunities and he was aware of other local events, such as the hunt, which could be encouraged to use the pub and bring in additional business.

12. John Anderson said the he was part of the Save the Avon group. He agreed with all that had been said but added that there was a survey undertaken showing what the Village wanted and suggested that should be used to better align the business offerings to needs

13. Maggie Worrall questioned the assertion that in general people travel no more than 14 minutes to a pub. She said that she is on several email lists for competitor pubs and is kept informed of their offers and events. She said that she is a regular user of pubs and restaurants and was so looking forward to being a repeat customer of The Avon. However, Maggie said that she was so disappointed that the food choice was limited and was so over-priced and not what people want. She stressed the need to advertise and criticised the lack of publicity. Finally, she pointed to the Dasset Country Show happening at the weekend and stated that the applicants should have been fully involved to understand how they could both be seen to integrate into the community and build their business from the visiting customers.

14. Peter Biddlestone said that the comments on the web site showed a significant difference between what the village wanted as opposed to what was being offered. He stressed that in his opinion there could be no success until this gap was closed.

15. Ray Randerson questioned whether or not the Parish Council could do anything to reduce the Rates on The Avon. Mike Blakeman responded by saying that on behalf of the Parish Council he had written to the Rating Valuation Office to support the applicants claim for a reduction, but that this was unsuccessful. He also stated that he had lobbied the local District Councillor to press Stratford District Council to give consideration to granting a Business Tax reduction. He was told that the applicants were already in receipt of a reduction of 40%, a position which would continue until the end of the year.

16. Ray Randerson thanked the Parish Council for assisting the applicants in getting a reduction

17. Maggie Worrall questioned if CAMRA has been involved and referred to good advice and guidance which they offered to support pubs under threat. Trevor Gill said that he had been in touch with CAMRA and believed that an objection will be made on the Stratford website. He also said that the Parish Council would take into account the CAMRA advice when submitting their formal response to the application.

18. Mike Blakeman referred to the preparatory work that he had undertaken to draft a formal response on behalf of the Parish Council. He had had support from other Parish Councillors, but had also taken into account advice and suggestions from the community on how to best present a case. Initially, he focused on the applicants' case. He said that the formal response would refute several of the statements made by the applicants in their change of use request. These included the statements that the Parish Council had not helped the applicants; statements which could be refuted by showing that support had been given. He referred to the detailed work undertaken by the Save the Avon Group which, he said, was serious about purchasing the pub for the community. However, Mike also said that he would draw attention to the two occasions that the Group had temporarily ceased its efforts and stood back – once when Seona Lightfoot was going to buy (but that fell through when a land sale couldn't be completed) – and, again, when the applicants, experienced saviours of public houses, came along. He said that there were many people in the village who were willing to invest but who, collectively, thought that it would be better if an experienced buyer emerged to take over the whole enterprise.

19. Mike Blakeman went on to review planning issues, which he described as long, detailed and complicated. He cited the National Planning Policy Framework, the Local Plan, and the Parish Plan as key areas that needed to be taken into account when considering the application. Mike also cited the government's aims to support a prosperous rural economy, building strong and competitive economies and the need to protect or enhance the character of a settlement as reasons for the application to be rejected for failing to meet the requirements. He highlighted the status of Avon Dassett in the recently adopted Local Plan and the fact that there was no requirement to provide additional housing in the area. In terms of other provisions, Mike pointed out provisions for countryside and villages and healthy communities that the application did not uphold.

Mike also stressed the importance of the need to sustain healthy communities and highlighted the fact that "pubs" receive a specific mention under Policy CS.25 (Formerly CS.24) which states that facilities will be retained unless one or more of four criteria are satisfied. None of the criteria appeared to have been satisfied, so an objection should be made.

20. Mike Blakeman commented on the Asset of Community Value (ACV) registration. He pointed out why it had been requested and why Stratford District Council had made the registration. He said that there was a need to make the ACV a “material consideration” in relation to the planning application and said that representatives of the Parish Council would be meeting with the District Councillor to stress the need for the ACV order to be upheld.

A copy of Mike’s report to the Parish Council is attached – Appendix 2

21. Martyn Heard agreed with the points that Mike had made and highlighted CS.25 as particularly pertinent in the case. He said that we needed to push Stratford District Council to ensure that the criteria were brought into the change of use assessment.

22. Darrell Muffitt said that in his experience there would always be two sides to the story behind a planning application. However, it was interesting to note the gulf between the way that the applicants presented their case and the way that their actions were read by villagers and customers alike. He said that all businesses needed to have a solid plan and, in start-up mode, should have cash flow statements, break-even points and understand the need for business launch activities including marketing and promotion. It seemed that the applicants had used all of their experience of the business to do the opposite of what was required for success.

23. Mike Blakeman referred to an anonymous letter which had been delivered to someone who had posted comments on the District Council web site. Mike requested that anyone else who had received such a letter or knew of anyone who did, to please contact a member of the Parish Council. Mike said that he would be reporting the event to Stratford District Council Planning Department.

24. Trevor Gill commented from his position as Chair of the Save the Avon group and said that it was clear from the research and analysis undertaken that the Avon was seen as a viable business. However, he also stressed that the group had concluded that it was not possible to make a viable business based solely on trade from the Village. Extensive advertising and publicity was a vital element for success.

25. Trevor Gill brought the meeting to a close, stressing that the members of the Parish Council would consider the comments made in preparing their formal submission in response to the application. He said that the response would be to “Object” to the application, but said that the supporting evidence would centre-around the basis of the application and the planning policies and regulations in place. He thanked all participants for attending and upholding the principles of the meeting.

A copy of ADPC’s submission is attached – Appendix 3

The meeting closed at 20.36

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Appendix 1

Presentation By Katie Chick

In support of the Planning Application for the change of use of The Avon to a residential dwelling

I'd like to start by saying thank you to all of you who have used and supported us while we've been at The Avon. What I hope to achieve tonight is to convince you that we bought The Avon with the sole intent of running it as a thriving business with our home above it. If our intention was anything else, we certainly wouldn't have completed any of the extensive works undertaken at considerable cost ; we would just have "given it a lick of paint" as someone has suggested. Our children are settled here and we definitely do not want to keep moving them at a crucial time of their schooling. We would also like to clarify information which you have misinterpreted about us changing pubs to houses.

Steve and I have owned / run and been associated with 9 pubs /restaurants altogether. They are:

The Swan, Radcote
The Compasses, Suffolk
Rats Castle Bistro, Faringdon
Victoria Inn Eastleach
The Boot, Barnard Gate,
The Hand and Shears, Church Hanborough
The Snooty Fox, Littleworth
The New Inn, Minster Lovell; and
The Swan, Long Hanborough

All of the these pubs, except for the Swan at Long Hanborough are still thriving outlets, as far as we are aware but in no way have been converted or sold as anything other than a pub or restaurant by us.

The facts about The Swan, Long Hanborough-:

- Purchased in November 2007
- Purchase Price £550,000, plus VAT, plus Stamp Duty
- Purchase came with a covenant of a 60% uplift to Greene King on any development of the site to residential dwellings
- The pub had been closed prior to our purchase.

- The development consisted of a new purpose built kitchen, walk-in cold room, extension to the dining room and re-configuration to the internal layout.
- Three separate letting rooms were built to the rear.
- It took us just over a year to gain planning and complete the building works
- The works cost £350,000
- It opened for business in December 2008
- Finished trading in April 2012.

Within this period we were hit with recession and the market was flooded with pubs for sale. We saw pub prices halve very quickly.

Trade dwindled for everyone due to the economic climate. We applied for change of use to try to salvage some of the investment monies as there were 3 other pubs within the village. These pubs are situated along the main road of Long Hanborough while the Swan is situated on a side street away from the main road.

We had support from the planning officer and we were granted planning permission by West Oxfordshire District Council to change the pub area to a residential dwelling. We spent an extra £30,000 on conversion and sold the property for £845,000.

Now armed with the figures, you can see we didn't make any money by converting a pub to a residential dwelling. Not a business model to repeat!!

We could have also applied to convert the 3 bed and breakfast rooms to one single cottage as these have their own separate access. We didn't do this. We wanted The Swan to remain an asset for the village in some form as we do have morals and we stick to them. It runs today as a successful B&B business.

Interestingly, Darren, a previous landlord of the Avon, put the keys through the door of the Bell Inn Long Hanborough at the same time. That pub is now two residential dwellings.

The planning process is harrowing and stressful and not something we ever thought we would have to or wanted to tackle again.

From the start we have felt the rates of £32,000 rateable value for the pub plus £1,500 for the flat per annum, to be grossly high and unfair especially compared to other comparable sites. We tried and failed to get the rates reduced to a manageable level before we entered into the purchase and have tried and failed since owning the Avon. The Parish Council suggested they could get the rates removed but we have heard nothing more. A Valuation Officer came to see us at The Avon and suggested that even with the planned rating revue next year, we might not see any significant change.

Whether you believe it or not, the pub industry has gone through huge changes. In the past, 95% of alcohol was bought in pubs with the other 5% being bought in Off-Licenses. This has all changed to 75% of people drinking at home and the rest using a pub occasionally.

We have listened to residents who were involved in the 'Save the Avon Campaign' who suggested that ladies and families felt they couldn't come into the pub due to the men's drinking culture here.

We feel we have diluted this and created an atmosphere so that ladies could meet without running the "gauntlet" as one put it, through the gang at the bar, but sadly these ladies didn't feel the need to frequent the pub on a regular basis. From this same source, we had been badgered into opening long before we were ready. Certain elements of the business were not complete due to the scale of works that needed doing but as the bar was essentially operational, we relented. In hindsight, the wrong decision.

You suggest that you want the pub as a social meeting point. There is a Gardening Club, a History group, a Men's Club, The Avon Dassett Country Show Committee, The Open Gardens Committee and the Parish Council and not one of these groups have requested to use any part of The Avon as a place to meet. A coffee morning in the Reading Room is also held for villagers to get the chance to meet.

Any business does rely on a core client base. Avon Dassett residents achieved an Asset of Community Value on The Avon which, incidentally, we were advised by professionals in the industry not to touch, but we turned this into a positive. Our thinking being that with the effort gone into saving the pub we would see a regular client base on which to build our business. After our first night, the

residents began to dwindle. It's not enough to come once and then leave it to others.

Budgets, whether it be for marketing or staff, have to be proportionate and we definitely didn't have the budget The Falcon had. Marketing material needs to be seen regularly before it has a positive impact and signage seemed the most logical on our budget. Sadly though, due to the very early dwindling of business, our reserves were used up very quickly on overheads and we knew that these would be depleted within 6 months rather than the year we had budgeted for. We had to cut back.

With regards to the reduced opening hours, when we first opened we were open extensive hours (we gave ourselves one day off), but when it became apparent that we weren't going to have the volume of customers that we needed to keep going we had to review this – we had sat day after day waiting for the bikers; the walkers, the locals, we bought delicious ingredients that we had to throw away. We couldn't justify the opening hours and the costs they were incurring, so we were forced to reduce our opening hours (mid-June). Since then, we have had no calls from walkers wanting to book in, in fact we haven't even seen anyone at the front door (we still spend our days in the pub and would notice them). No passing trade at all....

I know we all think that we can do better than those gone before us. We thought the same with The Avon. We should have paid more attention to the lengthy closures the pub has seen over its history. With our knowledge of the state of the industry we should have left well alone.

Since opening the Avon we have dealt with a lot of verbal abuse, been threatened, listened to damning remarks from Avon Dassett residents about other Avon Dassett residents; been told who to ban, but through it all we have remained impartial and made our own minds up about people. Tongues loosened by alcohol can be very revealing!

As a result of this and the internet trolling, we feel unsafe and have not felt we can reopen the pub. We also feel saddened by the candid comments made on social media and the Stratford District Council's website, especially from those we thought we classed as friends; but, then again, I'm sure you all feel proud of these contributions. It's a

shame no one has actually picked up the phone and tried to speak to us about the situation, but just spread rumours and gossiped behind our backs. We were so excited when we bought The Avon about being a part of your community and raising our family here amongst you, we have tried our best – we are sorry it wasn't good enough.

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Appendix 2

Report From Cllr Mike Blakeman to Avon Dassett Parish Council
Meeting

AVON DASSETT PARISH COUNCIL

PLANNING APPLICATION 16/01974/FUL

The Avon Inn, Avon Dassett, CV47 2AS

Summary

- The application is for Change of Use from a public house including accommodation to a single residential dwelling

The applications can be viewed at:

<https://apps.stratford.gov.uk/eplanning/AppDetail.aspx?appkey=O8R936PM00E00>

Planning Statement

The applicant states that they "have been working in the brewing and pub industry for 65 years between them" and "for the last 20 years have been saving village pubs".

With this level of experience then it could have reasonably been expected that a robust and detailed business plan would have been prepared that reflected the costs of purchase, improvements and running costs related to an assessment of the likely turnover with sufficient funds in place to ensure there was adequate income to protect the applicant's investment and secure the family's future and the new home that they claimed they were establishing in Avon Dassett.

As a successful business owner the applicant could also be expected to have prepared a cash flow projection, to illustrate the impact of initial investments, advertising and publicity to launch the business and to have estimated the incidence of fixed and fixed and variable costs to at least a point of break-even and the time necessary to move into profit.

The applicant claims "At least 4 pubs are open today thanks to their commitment to the pub industry"

As well as the 4 pubs that they claim are still open today there is at least one, The Swan at Long Hanborough, which was closed following a successful application for Change of Use to a residential dwelling based on an application which is very similar to the current application in terms of non-viability and lack of support from the community. The only difference being that Long Hanborough had two other pubs.

The applicant states "we bought The Avon from Enterprise as a "bought as seen"

It is somewhat surprising that with the level of experience that the applicant has claimed in the retail pub trade, that they would have entered into a major investment in a new business venture, without adequate investigations and surveys being undertaken, whether this is by a full condition survey or by anecdotal evidence which was available. One can only assume that the business plan was then adjusted accordingly to reflect the "problems" that were discovered. It is open to question whether the property has been "completely and comprehensively refurbished to a very high standard". It is evident from anecdotal evidence that the living accommodation has been refurbished to a high standard "bringing the property up to a quality that gives us a home and a business" with a minimal amount spent on the downstairs retail space other than that which could be easily reused as part of a future residential unit.

The applicant states that "The Avon cannot pay the high rates and overheads let alone make a profit."

The level of rates and other statutory charges were available at the time the applicant considered purchasing the Avon and these together with other estimated overheads should have been factored into the cash flow produced as part of a robust business plan prior to purchase.

The applicant raised the matter of the rates with the Parish Council after the purchase of the Avon was completed. The Parish Council did in fact write to the Rating Valuation Office in support of the applicant's appeal to have the rates reduced. The appeal was eventually dismissed. The Parish Council also approached Stratford upon Avon District Council through their District Councillor in order to ascertain whether any rates relief was available to the applicant only to find that they were already receiving 40% hardship relief which is in place until the end of 2016.

Financial

All financial figures have been blacked out of the published documents which are available to the Parish Council to view, so comments cannot be made regarding the financial appraisals and forecasts. In any event without the applicants original and amended business plans any comments would be irrelevant and out of context.

Despite what is stated the applicant does not know and cannot possibly know why the previous short term tenants either took on the Avon or left.

With regard to the Falcon the applicant should have done his research before purchasing the Avon. The Falcon is a totally different enterprise than the Avon and does not reflect the sort of country pub that the applicant described that he wanted to create when he first purchased the Avon. However, the Falcon has proved that customers are willing to travel to a pub offering good beer and food at reasonable prices. Although the Falcon is remote from any village, it seems to attract and retain loyal customers at lunchtimes and in the evenings and is regularly "full" at peak times and booking ahead is a must.

Anecdotal evidence would suggest that the applicant is not paying well above the market rates for staff.

History of the Avon

The applicant is incorrect. The Asset of Community Value was registered by Stratford upon Avon District Council not Avon Dassett Parish Council following representations from the Parish Council.

The applicant is incorrect in stating that there was no support from the residents to buy the Avon as a community pub - quite the contrary. A committee had been formed, a public meeting held, a list of investors formulated, discussions held with the Plunkett Foundation who agreed to provide some initial funding and discussions with various potential tenants were held. A feasibility study was initiated and survey quotations obtained.

Progress on taking the potential purchase forward, on behalf of the community, was temporarily halted when an offer was submitted from Mrs. Seona Lightfoot. She had issued a communication to the Parish Council and all the villagers confirming that she and her family were the prospective new owners of the Avon and wanted to make themselves known to the village. Unfortunately, the sale of some land they were proposing to sell to a developer fell through and subsequently the Save the Avon Committee renewed their efforts in commencing to establish a viable proposal.

Once again progress was halted when the applicants offer was made in June 2015. However, following the recent, apparently deliberate actions of the applicant in "running down" the Avon, there has again been a ground swell of interest in re-establishing the Save the Avon Group to enable the community to purchase the pub.

The Avon has, in the recent past, been extremely successful which was why Enterprise continued to increase the rent to a point where the rent combined with the rates and the fact that the tenants had to buy their beer from Enterprise at inflated prices affected the viability of the pub as a tenanted operation. This business model has forced many landlords of Enterprise owned pubs to leave their tied houses.

The Village

It is a matter of conjecture as to how many residents or indeed Parish Councillors that the applicant "befriended". Any resident with a knowledge of the past history of the Avon would have advised the applicant that the Avon had, in the recent past, been extremely busy due to a multi-faceted offering which attracted customer from a much wider catchment area than the village.

Although not entirely relevant, the final temporary tenant did set up an Italian restaurant but this was done without any market research or understanding of what customers might want or what they would be prepared to pay. The result was a lack of trade as a response to a menu which was overpriced in relation to the quality of the offerings which did not meet the requirements of the regular customers from the wider community.

The application includes data including population statistics including the population of Avon Dassett and tries to use these to make the case for there being an insufficient market to make the Avon a viable proposition. However, all of this data was available to the applicants before they purchased the business; they knew where it was located, the local populations and the competition and their offerings. Therefore, with their considerable combined experience, they must have factored into their business and marketing plans a strategy for differentiating their offering and advertising and communicating throughout the wider community to attract customers.

The applicants were advised to contact major employers in the area, including Jaguar Land Rover, Aston Martin and MoD Kineton, as well as other organisations that might reasonably be expected to provide customers such as the local hunt, the Ramblers Association and the local cycling clubs. All of these suggestions were dismissed as a “waste of time” and apart from one sign on the junction with the B4100 and the road to Avon Dassett, there appears to have been no other advertising or publicity.

It was the Parish Council which, through the community website, advertised the opening of the Avon, and any of the few “special evenings” that were arranged, including the pensioners lunch, the “ladies evening” were organised by Villagers, not at the suggestion of the applicant

The Parish Council **does not** run the Annual Country Show. It is run by as a separate charitable organisation supported by volunteers from the village. Whilst it may be “out of site” of the Avon it is very much part of the village annual social scene and the Avon have not sought to get involved or look to “piggy back” on the event by providing a complementary offering in the evening of the event. The Avon has in fact declined to advertise in the Fete programme having originally agreed to do so. The applicant has never invited the committee, or indeed any other village organisation, to hold their meetings within the Avon with the offer of putting some food on afterwards thus encouraging further community use of the Avon.

The applicant states that all “pensioners” are invited to an annual lunch, normally held at Christmas. The pensioner’s lunch was in fact delayed in order to allow it to be held in the Avon. Any village resident over 60 is invited, however, some of those over 60 are still working, others may be unavailable or ill and are unable to attend. Others choose not to take up the offer as they do not want to be a burden on charities funds. The numbers attending this year were down slightly on the previous year mainly due to the event being delayed, (thus not really being a Christmas lunch), in order to allow it to be held at the Avon. The intention was to support the pub rather than sending business elsewhere, despite there being other places that would have welcomed the business with open arms.

The community has previously organised a highly successful Soap Box Derby, a charitable for event BLESMA, the limbless ex-service veteran’s charity. Traditionally this was held in June and attracted competitors from all over the country as well up to 200 visitors to the village. The “Soapbox” was very much centred on the Avon where the finish line was located and in the past BBQs were held and an outside bar was provided. When approached by the organisers of the 2016 Soapbox, to support the event the applicants reputedly stated that they were “not interested.” The event was cancelled in 2016.

Summary

The tenant states that “It’s all very well activating an Asset of Community Value on a public house but there must be feasible financial and committed back up to warrant such an action”

Under the Localism Act “The only criteria are that the ACV’s principal use must further (or have recently done so) the social well-being of the community, and must be likely to be able to do so in the future.” Avon Dassett Parish Council applied to Stratford District Council to have the Avon registered by them as an ACV because it had always been a vital part of the social life of the village. There is no requirement at the time of registration to have a “feasible financial and committed back up to warrant the request to register an asset.”

The applicants knew at the time of purchase that there was an ACV on the property but they still proceeded with the purchase in the knowledge that it would be difficult to obtain external finance. However, presumably based on their considerable experience, and in the knowledge that they could make the project successful they utilised their own money to fund the purchase. They equally knew that if the ACV was still in place the Avon would be difficult to sell should, in the event, their venture fail.

The decline in pubs in England over the last 10 years has been well documented and presumably the applicant is familiar with the challenges associated with taking on a new venture in an unfamiliar location. There are many

examples of independent “boutique” pub operators, who know their market, taking over empty or declining pubs and resurrecting them by providing a facility that suits the location as well as the wider community and provides food and drink that the locality actually wants.

The applicant repeatedly refers to the size of Avon Dassett and the sparsely populated surroundings, but these were facts that existed when they agreed to purchase the Avon and presumably their business plan and marketing strategy reflected this. Why, if there are *“so few residents in Avon Dassett it’s (the Avon) not going to supported enough to make it viable”* did the applicants, with all their experience, buy the Avon in the first place. Why were there only limited attempts to advertise and publicise the business and why were the opening times and food offerings so unpredictable? The only logical conclusion that explains the action of such experienced applicants is that they had a plan in place to eventually seek to apply for a change of use to residential! The fact that this application was triggered within the first four months of trading, by such experienced people seems to further support the idea of an underlying intent to capitalize on turning an undervalued community asset into residential use for personal gain.

The applicant claims that since the closure of the Avon in 2015 *“residents have formed new habits by frequenting neighbouring villages and their pubs”* This is not supported by fact. When the Avon was first re-opened the villagers fully supported it, however, with their 65 years of joint experience, the applicants chose to provide what they thought that the existing customers should have and not what they actually wanted. The applicants positively discriminated against certain sectors of the rural community who wanted their village pub back, especially those who wanted to enjoy a drink in a group, standing at the bar.

The applicant has consistently said that they aimed to provide “fine dining” and although the restaurant area has been upgraded the choice of food has regularly been very narrow and limited to a few dishes. On a number of Friday evenings, the only offering has been “fish and chips, £13.95” and at other times the dishes offered have been significantly less than those advertised on the web site.

The quality of the beer and the cost of the food did not meet the expectations of a discerning clientele and many, after persevering for a while, chose to go elsewhere in order to get the beer of their choice and a wider choice of good food at a competitive rate. The success of other newly launched businesses in the area, such as the Falcon, the Kitchen (at the Inn at Farnborough) and the Red Lion at Northend also proves the point that customers within a wider catchment area are willing to travel and pay for what they want. The business could be there for the Avon if the applicants were willing to listen to their customers and offer something that they wanted; something that attracted customers from the surrounding villages and who would be equally willing to travel a few miles for a good pint and good value food.

The Merrie Lion in Fenny Compton is an excellent local example of a public house that closed and became a very successful community venture attracting customers from all the surrounding villages. Similarly, the Red Lion at North End was closed following the owners failed attempt to get a change to B1 office use. After a period of closure, the Red Lion re-opened and now with a new hardworking and sociable tenant it is thriving again attracting customers from the surrounding areas. There is no reason why the Avon with the right offering could not do the same thing.

The applicant states that *“Industries change and decline and the pub sector is no different – the biggest and most prominent will survive and we must support those, but the smaller, non-profitable ones will close in these changing times. There is more chance for the rural pub to survive if there are fewer of them – as there no doubt is – the financial costs of running rural pubs will only increase”*

If this is truly the applicant’s belief it is both strange that they still choose to be in the licensee business and inconceivable that they expected a success from the Avon, given their understanding of the size of the Village, surrounding communities and the competition. Everything that the applicant has stated was known about before the Avon was purchased and with the applicant’s significant experience they would have accommodated and planned for it in their business and marketing plan unless of course their intentions all along were to achieve a change of use. In retrospect, it seems that the applicants have tried to give the impression that they would use their experience to regenerate the Avon, while actually driving away customers, running down the business, trying to prove the lack of viability, while again capitalising by applying for a change of use, as they have done elsewhere.

If, as at Long Hanborough, a change of use is granted, it is unlikely that the applicants would remain in the village, but would sell on the Avon with a residential consent at a vastly inflated price. Effectively, they would profit from stripping Avon Dassett of its only community asset.

After the first few weeks of optimism regarding the success of the Avon the applicants have progressively reduced the opening hours and failed to advertise the fact. Visitors to Avon Dassett whether they are walkers, cyclists or tourists have arrived to find the Avon closed with no prior notification. The recently established website for the Avon has only recently included the opening hours initially reduced to Friday and Saturday evenings as well as Sunday lunchtimes until 3pm and now, following the submission of the planning application it is permanently closed. The website still shows a lunchtime and evening menu that has not been available for some considerable time. There has been very little communication with the villagers and customers are frequently faced with locked doors during “normal” opening hours even over a Bank Holiday weekend.

Application Letter

The applicant claims that *“our application to change the Avon Pub to residential use (is) so that I can provide a home for my wife and 3 young children”*

The applicant has already stated in the supporting statement that they have already spent a substantial (but undisclosed) amount of money in creating a home for his family. The fact that the Avon has been a financial disaster for the financially experienced saviours of rural pubs is in itself insufficient justification, in planning terms, for granting a change of use which would allow them to sell on a community asset for a significantly inflated price. Nor is the threat of self-inflicted bankruptcy a material consideration in respect of the planning application.

Drawings

The applicant's drawings are dated 13 July 2016, after the application was first submitted. The layout shown incorporates an outdated layout for the ground floor toilets which pre-dates the refurbishment and could possibly lead one to suspect that they were in fact done at an earlier date. The layout shown does not show the current revised toilet layout which incorporated the in-filling of the external access to the public toilets, which was completed without a planning application required as the Avon lies within the conservation area.

PLANNING CONSIDERATIONS

National Planning Policy Framework (NPPF)

Delivering sustainable development

1. Building a strong, competitive economy

18. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.

The National Planning Policy Framework emphasises that planning policies should support sustainable economic growth in rural areas by taking a positive approach to new development. Planning strategies should maintain a prosperous rural economy including policies to:

- support the sustainable growth and expansion of all types of business and enterprise;
- promote the development and diversification of agricultural and other land-based rural businesses; and
- support sustainable rural tourism and leisure developments that benefit businesses, communities and visitors.

Stratford upon Avon District Council have addressed this within the adopted Local Plan. The loss of the Avon would be contrary to these policies in that it would not support sustainable growth and expansion of one of the few businesses within the village and it would not support sustainable rural tourism. The Save

the Avon committee had considered a number of options to expand the Avon's business including the possibility of adding bed and breakfast accommodation in the support of rural tourism.

3. Supporting a prosperous rural economy

28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;*
- *promote the development and diversification of agricultural and other land-based rural businesses;*
- *support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and*
- *promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, **public houses** and places of worship.*

The loss of the Avon as a Public House would be contrary to this policy.

Local Plan

3.7 Historic Environment

Policy CS.8

Historic Environment

A. Protection and Enhancement

The District's historic environment will be protected and enhanced for its inherent value and for the enjoyment of present and future residents and visitors. Through a partnership approach, the Council will seek opportunities to promote the historic environment as a catalyst for enhancing the vitality of the District. Priority will be given to protecting and enhancing the wide range of historic and cultural assets that contribute to the character and identity of the District, including:

- (1) designated heritage assets such as Listed Buildings, Conservation Areas, Registered Gardens, the Battle of Edgehill Historic Battlefield, Scheduled Monuments, and sites of archaeological importance, and their settings;*
- (4) the distinctive character of the market towns, villages and hamlets, including their settings, townscapes, streets, spaces and built form;*

The village lies entirely within a Conservation Area. The Avon is a vital part of the distinctive character of the village and having been a public house since 1851, it represents an historic asset and as the main meeting place represents a cultural asset. The change of use would be contrary to this policy

5.1 Distribution of Development

Policy CS.15

Avon Dassett is not a Local Service Village and is therefore categorised under "5. All other settlements"

In respect of 5.1 "*Development is restricted to small-scale community-led schemes which meet a need identified by the local community.*"

The re-development of the Avon Pub is not a community led scheme and therefore does not comply with the requirements of Clause 5.1

7. Requirements

All development at existing settlements is expected to protect and enhance the character of the settlement involved and its setting. To achieve this, each individual proposal will be assessed against the following principles:

- (a) in relation to residential development, the number of homes proposed is consistent with the overall scale of development identified for the settlement in Policy CS.16 Housing Development;*

The re-development of the Avon Public House into a dwelling would not enhance the character of the settlement.

In relation to a residential development there is no provision within Policy CS.16 for additional development in settlements classified under 5. All Other Settlements in CS.15.

- (f) the scheme incorporates or provides for appropriate improvements to the infrastructure and services of the community.*

The re-development of the Avon Public House into a dwelling would reduce the services available within the community.

Policy CS.16

Housing Development

Avon Dassett falls outside the categorisation of settlement for which any new housing development is included within the adopted Local Plan.

6.11 Countryside and Villages

Policy AS.10 Countryside and Villages

In paragraph 6.11.2 the Local Plan quotes The Commission for Rural Communities (now part of DEFRA), in its Position Statement published in 2008. *‘Our challenge is to chart a course by which rural communities, equally with urban communities, can become more sustainable in the future’.*

It could be argued that, by the loss of the only service facility within the village, sustainability will be further reduced and villagers will be forced to travel by car to adjacent villages to socialise.

In paragraph 6.11.5 it states that

“Stratford-on-Avon is a predominantly rural district; there are over 200 individual villages and hamlets and about half of its residents live outside Stratford-upon-Avon and the Main Rural Centres. All four aims of the District Council’s Corporate Strategy have a bearing on how planning policy should have a bearing on development in the countryside:

- addressing local housing need*
- a District where business and enterprise can flourish*
- improving access to services*
- minimising the impacts of climate change.*

There is no perceived local housing need other the need for affordable housing as set out in the Parish Plan.

The closure of the Avon is contrary to this policy in that access to services will be reduced not improved.

“6.11.6 A key priority in the Corporate Strategy is to improve the prospects of success for rural businesses. This is also reflected in the Sustainable Community Strategy vision that ‘our rural areas will be providing more businesses and jobs’. Many rural firms aspire to grow and even those that don’t still need to innovate and develop so that they remain viable, provide local employment opportunities and support local services.”

The loss of the Avon would reduce employment opportunities and remove the opportunity to expand one of the few businesses located within the village itself.

“6.11.7 Rural services have declined significantly in recent years through the processes of centralisation and rationalisation. Stratford-on-Avon District has the lowest proportion of parishes with key services, such as a general store, post office and doctor’s surgery, of any part of Warwickshire. Public transport is poor or non-existent in a number of rural settlements.”

Avon Dassetts does not have any of the services listed. The only service facility currently within the village is the Post Office which is only open for 4 hours a week. The Avon provided the only public meeting place within the village.

5.7 Economic Development

CS.21

Economic Development

Development that provides for a wide range of business and commercial activity will be promoted in sustainable locations in order to support and foster the growth and competitiveness of the District’s economy, provide more jobs and improve the vitality of the local business environment.

An existing employment site should not be redeveloped or converted to non-employment uses unless it is no longer viable or appropriate for a business purpose. The same principle applies to a site with planning permission for employment uses that has not been implemented. A rigorous assessment of each proposal of this nature will be undertaken.

The re-development of the Avon to a single dwelling is contrary to this policy.

The Avon has been a significant employer within the local rural economy for a number of years. The Avon has traditionally provided the only opportunity for young people to get employment within the village and not have to travel to surrounding towns and villages to gain part-time employment.

7.1 Healthy Communities

Policy CS.25 (Formerly CS.24)

Healthy Communities

*It is expected that existing community facilities, such as shops, **pubs**, medical and leisure, will be retained unless it can be demonstrated that one or more of the following criteria is satisfied:*

- (a) there is no realistic prospect of the facility continuing for commercial and/or operational reasons on that site;*
- (b) the land and/or property has been actively marketed or otherwise made available for a similar or alternative type of facility that would be of benefit to the community;*
- (c) the facility can be provided effectively in an alternative manner or on a different site in accordance with the wishes of the local community; and*
- (d) there are overriding environmental benefits in the use of the site being discontinued.*

In all instances the potential to mitigate within the local area the loss of a community facility will be considered alongside any proposal for development on the site of the existing facility.

A change of use to a residential dwelling is clearly contrary to this policy.

- (a) The applicant has clearly failed to demonstrate there is no realistic prospect of the Avon continuing for commercial reasons. It appears that the applicant has provided misleading information within the application in an attempt to show that the Avon is not commercially viable within an unrealistically short period. As can be seen from the comments made elsewhere in this document the applicant has sought to destroy the commercial viability of business with the intention all along of eventually seeking a change of use from a public house to a residential dwelling and gain

financially at the loss of a vital community asset.

It is inconceivable to think that any business could have succeeded from scratch in 4 months with no apparent business strategy, no advertising, no attempt to integrate with the community and where the business owner deliberately seeks to drive customers away.

- (b) The property has not been actively marketed or otherwise made available for a similar or alternative type of facility that would be of benefit to the community.
- (c) The facility cannot be provided effectively in an alternative manner or on a different site in accordance with the wishes of the local community
- (d) There are no overriding environmental benefits in the use of the site being discontinued.

Policy CS.23

Tourism and Leisure Development

The role of tourism will be increased by supporting the growth and improvement of existing attractions and by encouraging new attractions and dispersing them throughout the District, in order to support the local economy and to provide the opportunity for local communities to enjoy the benefits that are derived.

Small scale tourism and visitor-based schemes, including those for new or extensions to existing visitor accommodation and conference facilities, will be supported where they are appropriate to the size and role of the settlement and/or to the specific nature of the location.

Avon Dassett is well placed in relation to a number of local tourist attractions including most notably the Burton Dassett Hills Country Park as well as being within easy reach of other attractions such as the British Motor Museum, Upton House and the National Herb Centre. The plans formulated by the Save the Avon Group sought to build on this by providing Bed and Breakfast accommodation which not only sought to meet the demands of visitors to the theses major attractions but also to the well-established need for accommodation to service Jaguar Land Rover and Aston Martin.

The loss of the Avon public house and restaurant is contrary to this policy as removes an asset and an attraction which would support the support the local economy and to provide the opportunity for local communities to enjoy the benefits that are derived from tourism. The Avon has always been a destination for walkers and ramblers and is uniquely placed on a national cycle route which was recently featured in the AVIVA Women's National Cycle Race which recently passed through the village and would have been an ideal opportunity to make a unique offering at the Avon.

PARISH PLAN

The Parish Plan adopted by Stratford upon Avon district Council in October 2007 recognises the importance of the Avon as a village asset: "The Avon is the main village meeting place, in the absence of a village shop and very limited opening of the Post Office."

The Housing Needs Survey carried out in conjunction with the Parish Plan does not identify the need for any additional housing within the village other than the need for 3 affordable housing units.

ASSET OF COMMUNITY VALUE

The Avon Public House was registered as an Asset of Community Value by Stratford upon Avon District Council on 13 January 2015.

The only criteria for listing is that the ACV's principal use "must further (or have recently done so) the social well-being of the community, and must be likely to be able to do so in the future." Avon Dassett Parish Council applied to Stratford District Council to have the Avon registered by them as an ACV because it had always been a vital

part of the social life of the village and is the only community asset within the village apart from the small Reading Room which has limited facilities.

In order for a Change of Use to be granted the Avon would have to be removed from the listing of community assets and the criteria set out in the Localism Act 2011 would have to be met.

Stratford upon Avon District Council should consider the listing of the Avon as an Asset of Community Value as a material consideration when assessing the application for change of use to a single dwelling which is contrary to the wishes of the community who applied for registration on the basis that the Avon was both a community asset and a viable business.

Mike Blakeman
Vice Chairman
Avon Dassett Parish Council
2 August 2016

**Minutes of Extraordinary General Meeting
Avon Dassett Parish Council
Reading Room - Tuesday 2 August 2016**

Appendix 3

**Submission By Avon Dassett Parish Council To Stratford District
Council in respect of planning application 16/01974/FUL**

AVON DASSETT PARISH COUNCIL

PLANNING APPLICATION 16/01974/FUL

The Avon Inn, Avon Dassett, CV47 2AS

Summary

- The application is for Change of Use from a public house including accommodation to a single residential dwelling

Avon Dassett Parish Council **object** to the above planning application for the following planning reasons.

PLANNING CONSIDERATIONS

National Planning Policy Framework (NPPF)

Delivering sustainable development

1. Building a strong, competitive economy

18. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.

The National Planning Policy Framework emphasises that planning policies should support sustainable economic growth in rural areas by taking a positive approach to new development. Planning strategies should maintain a prosperous rural economy including policies to:

- support the sustainable growth and expansion of all types of business and enterprise;
- promote the development and diversification of agricultural and other land-based rural businesses; and
- support sustainable rural tourism and leisure developments that benefit businesses, communities and visitors.

Stratford upon Avon District Council have addressed this within the adopted Local Plan. The loss of the Avon would be contrary to these policies in that it would not support sustainable growth and expansion of one of the few businesses within the village and it would not support sustainable rural tourism. The Save the Avon committee had considered a number of options to expand the Avon's business including the possibility of adding bed and breakfast accommodation in the support of rural tourism.

3. Supporting a prosperous rural economy

28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, **public houses** and places of worship.

The loss of the Avon as a Public House would be contrary to this policy.

Local Plan

3.7 Historic Environment

Policy CS.8

Historic Environment

A. Protection and Enhancement

The District's historic environment will be protected and enhanced for its inherent value and for the enjoyment of present and future residents and visitors. Through a partnership approach, the Council will seek opportunities to promote the historic environment as a catalyst for enhancing the vitality of the District. Priority will be given to protecting and enhancing the wide range of historic and cultural assets that contribute to the character and identity of the District, including:

(1) designated heritage assets such as Listed Buildings, Conservation Areas, Registered Gardens, the Battle of Edgehill Historic Battlefield, Scheduled Monuments, and sites of archaeological importance, and their settings;

(4) the distinctive character of the market towns, villages and hamlets, including their settings, townscapes, streets, spaces and built form;

The village lies entirely within a Conservation Area. The Avon is a vital part of the distinctive character of the village and having been a public house since 1851, it represents an historic asset and as the main meeting place represents a cultural asset. The change of use would be contrary to this policy

5.1 Distribution of Development

Policy CS.15

Avon Dassett is not a Local Service Village and is therefore categorised under "5. All other settlements"

In respect of 5.1 "Development is restricted to small-scale community-led schemes which meet a need identified by the local community."

The re-development of the Avon Pub is not a community led scheme and therefore does not comply with the requirements of Clause 5.1

7. Requirements

All development at existing settlements is expected to protect and enhance the character of the settlement involved and its setting. To achieve this, each individual proposal will be assessed against the following principles:

- (a) in relation to residential development, the number of homes proposed is consistent with the overall scale of development identified for the settlement in Policy CS.16 Housing Development;*

The re-development of the Avon Public House into a dwelling would not enhance the character of the settlement.

In relation to a residential development there is no provision within Policy CS.16 for additional development in settlements classified under 5. All Other Settlements in CS.15.

- (f) the scheme incorporates or provides for appropriate improvements to the infrastructure and services of the community.*

The re-development of the Avon Public House into a dwelling would reduce the services available within the community.

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Housing Development

Avon Dassett falls outside the categorisation of settlement for which any new housing development is included within the adopted Local Plan.

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“Stratford-on-Avon is a predominantly rural district; there are over 200 individual villages and hamlets and about half of its residents live outside Stratford-upon-Avon and the Main Rural Centres. All four aims of the District Council’s Corporate Strategy have a bearing on how planning policy should have a bearing on development in the countryside:

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- a District where business and enterprise can flourish*
- improving access to services*
- minimising the impacts of climate change.*

There is no perceived local housing need other the need for affordable housing as set out in the Parish Plan.

The closure of the Avon is contrary to this policy in that access to services will be reduced not improved.

“6.11.6 A key priority in the Corporate Strategy is to improve the prospects of success for rural businesses. This is also reflected in the Sustainable Community Strategy vision that ‘our rural areas will be providing more businesses and jobs’. Many rural firms aspire to grow and even those that don’t still need to innovate and develop so that they remain viable, provide local employment opportunities and support local services.”

The loss of the Avon would reduce employment opportunities and remove the opportunity to expand one of the few businesses located within the village itself.

“6.11.7 Rural services have declined significantly in recent years through the processes of centralisation and rationalisation. Stratford-on-Avon District has the lowest proportion of parishes with key services, such as a general store, post office and doctor’s surgery, of any part of Warwickshire. Public transport is poor or non-existent in a number of rural settlements.”

Avon Dassett does not have any of the services listed. The only service facility currently within the village is the Post Office which is only open for 4 hours a week. The Avon provided the only public meeting place within the village.

5.7 Economic Development

CS.21

Economic Development

Development that provides for a wide range of business and commercial activity will be promoted in sustainable locations in order to support and foster the growth and competitiveness of the District's economy, provide more jobs and improve the vitality of the local business environment.

An existing employment site should not be redeveloped or converted to non-employment uses unless it is no longer viable or appropriate for a business purpose. The same principle applies to a site with planning permission for employment uses that has not been implemented. A rigorous assessment of each proposal of this nature will be undertaken.

The re-development of the Avon to a single dwelling is contrary to this policy.

The Avon has been a significant employer within the local rural economy for a number of years. The Avon has traditionally provided the only opportunity for young people to get employment within the village and not have to travel to surrounding towns and villages to gain part-time employment.

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Healthy Communities

*It is expected that existing community facilities, such as shops, **pubs**, medical and leisure, will be retained unless it can be demonstrated that one or more of the following criteria is satisfied:*

- (a) there is no realistic prospect of the facility continuing for commercial and/or operational reasons on that site;*
- (b) the land and/or property has been actively marketed or otherwise made available for a similar or alternative type of facility that would be of benefit to the community;*
- (c) the facility can be provided effectively in an alternative manner or on a different site in accordance with the wishes of the local community; and*
- (d) there are overriding environmental benefits in the use of the site being discontinued.*

In all instances the potential to mitigate within the local area the loss of a community facility will be considered alongside any proposal for development on the site of the existing facility.

A change of use to a residential dwelling is clearly contrary to this policy.

- (a) The applicant has clearly failed to demonstrate there is no realistic prospect of the Avon continuing for commercial reasons. It appears that the applicant has provided misleading information within the application in an attempt to show that the Avon is not commercially viable within an unrealistically short period. As can be seen from the comments made elsewhere in this document the applicant has sought to destroy the commercial viability of business with the intention all along of eventually seeking a change of use from a public house to a residential dwelling and gain financially at the loss of a vital community asset.

It is inconceivable to think that any business could have succeeded from scratch in 4 months with no apparent business strategy, no advertising, no attempt to integrate with the community and where the business owner deliberately seeks to drive customers away.

- (b) The property has not been actively marketed or otherwise made available for a similar or alternative type of facility that would be of benefit to the community.
- (c) The facility cannot be provided effectively in an alternative manner or on a different site in accordance with the wishes of the local community

- (d) There are no overriding environmental benefits in the use of the site being discontinued.

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Tourism and Leisure Development

The role of tourism will be increased by supporting the growth and improvement of existing attractions and by encouraging new attractions and dispersing them throughout the District, in order to support the local economy and to provide the opportunity for local communities to enjoy the benefits that are derived.

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PARISH PLAN

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In order for a Change of Use to be granted the Avon would have to be removed from the listing of community assets and the criteria set out in the Localism Act 2011 would have to be met.

Stratford upon Avon District Council should consider the listing of the Avon as an Asset of Community Value as a material consideration when assessing the application for change of use to a single dwelling which is contrary to the wishes of the community who applied for registration on the basis that the Avon was both a community asset and a viable business.

FURTHER CONSIDERATIONS

The applicant has made a number of submissions in support of the application which are both misleading and factually incorrect. Avon Dassett Parish Council consider that in order to that a balanced assessment of the application can be undertaken it is important for comments to be recorded in relation to the numerous misleading and incorrect statements made by the applicant.

Planning Statement

The applicant states that they “have been working in the brewing and pub industry for 65 years between them” and “for the last 20 years have been saving village pubs”.

With this level of experience then it could have reasonably been expected that a robust and detailed business plan would have been prepared that reflected the costs of purchase, improvements and running costs related to an assessment of the likely turnover with sufficient funds in place to ensure there was adequate income to protect the applicant's investment and secure the family's future and the new home that they claimed they were establishing in Avon Dassett.

As a successful business owner the applicant could also be expected to have prepared a cash flow projection, to illustrate the impact of initial investments, advertising and publicity to launch the business and to have estimated the incidence of fixed and fixed and variable costs to at least a point of break-even and the time necessary to move into profit.

The applicant claims “At least 4 pubs are open today thanks to their commitment to the pub industry”

As well as the 4 pubs that they claim are still open today there is at least one, The Swan at Long Hanborough, which was closed following a successful application for Change of Use to a residential dwelling based on an application which is very similar to the current application in terms of non-viability and lack of support from the community. The only difference being that Long Hanborough had two other pubs.

The applicant states “we bought The Avon from Enterprise as a “bought as seen””

It is somewhat surprising that with the level of experience that the applicant has claimed in the retail pub trade, that they would have entered into a major investment in a new business venture, without adequate investigations and surveys being undertaken, whether this is by a full condition survey or by anecdotal evidence which was available. One can only assume that the business plan was then adjusted accordingly to reflect the “problems” that were discovered. It is open to question whether the property has been “completely and comprehensively refurbished to a very high standard”. It is evident from anecdotal evidence that the living accommodation has been refurbished to a high standard “bringing the property up to a quality that gives us a home and a business” with a minimal amount spent on the downstairs retail space other than that which could be easily reused as part of a future residential unit.

The applicant states that “The Avon cannot pay the high rates and overheads let alone make a profit.”

The level of rates and other statutory charges were available at the time the applicant considered purchasing the Avon and these together with other estimated overheads should have been factored into the cash flow produced as part of a robust business plan prior to purchase.

The applicant raised the matter of the rates with the Parish Council after the purchase of the Avon was completed. The Parish Council did in fact write to the Rating Valuation Office in support of the applicant's appeal to have the rates reduced. The appeal was eventually dismissed. The Parish Council also approached Stratford upon Avon District Council through their District Councillor in order to ascertain whether any rates relief was available to the applicant only to find that they were already receiving 40% hardship relief which is in place until the end of 2016.

Financial

All financial figures have been blacked out of the published documents which are available to the Parish Council to view, so comments cannot be made regarding the financial appraisals and forecasts. In any event without the applicants original and amended business plans any comments would be irrelevant and out of context.

Despite what is stated the applicant does not know and cannot possibly know why the previous short term tenants either took on the Avon or left.

With regard to the Falcon the applicant should have done his research before purchasing the Avon. The Falcon is a totally different enterprise than the Avon and does not reflect the sort of country pub that the applicant described that he wanted to create when he first purchased the Avon. However, the Falcon has proved that customers are willing to travel to a pub offering good beer and food at reasonable prices. Although the Falcon is remote from any village, it seems to attract and retain loyal customers at lunchtimes and in the evenings and is regularly "full" at peak times and booking ahead is a must.

Anecdotal evidence would suggest that the applicant is not paying well above the market rates for staff.

History of the Avon

The applicant is incorrect. The Asset of Community Value was registered by Stratford upon Avon District Council not Avon Dassett Parish Council following representations from the Parish Council.

The applicant is incorrect in stating that there was no support from the residents to buy the Avon as a community pub - quite the contrary. A committee had been formed, a public meeting held, a list of investors formulated, discussions held with the Plunkett Foundation who agreed to provide some initial funding and discussions with various potential tenants were held. A feasibility study was initiated and survey quotations obtained.

Progress on taking the potential purchase forward, on behalf of the community, was temporarily halted when an offer was submitted from Mrs. Seona Lightfoot. She had issued a communication to the Parish Council and all the villagers confirming that she and her family were the prospective new owners of the Avon and wanted to make themselves known to the village. Unfortunately, the sale of some land they were proposing to sell to a developer fell through and subsequently the Save the Avon Committee renewed their efforts in commencing to establish a viable proposal.

Once again progress was halted when the applicants offer was made in June 2015. However, following the recent, apparently deliberate actions of the applicant in "running down" the Avon, there has again been a ground swell of interest in re-establishing the Save the Avon Group to enable the community to purchase the pub.

The Avon has, in the recent past, been extremely successful which was why Enterprise continued to increase the rent to a point where the rent combined with the rates and the fact that the tenants had to buy their beer from Enterprise at inflated prices affected the viability of the pub as a tenanted operation. This business model has forced many landlords of Enterprise owned pubs to leave their tied houses.

The Village

It is a matter of conjecture as to how many residents or indeed Parish Councillors that the applicant "befriended". Any resident with a knowledge of the past history of the Avon would have advised the applicant that the Avon had, in the recent past, been extremely busy due to a multi-faceted offering which attracted customer from a much wider catchment area than the village.

Although not entirely relevant, the final temporary tenant did set up an Italian restaurant but this was done without any market research or understanding of what customers might want or what they would be prepared to pay. The result was a lack of trade as a response to a menu which was overpriced in relation to the quality of the offerings which did not meet the requirements of the regular customers from the wider

community.

The application includes data including population statistics including the population of Avon Dassett and tries to use these to make the case for there being an insufficient market to make the Avon a viable proposition. However, all of this data was available to the applicants before they purchased the business; they knew where it was located, the local populations and the competition and their offerings. Therefore, with their considerable combined experience, they must have factored into their business and marketing plans a strategy for differentiating their offering and advertising and communicating throughout the wider community to attract customers.

The applicants were advised to contact major employers in the area, including Jaguar Land Rover, Aston Martin and MoD Kineton, as well as other organisations that might reasonably be expected to provide customers such as the local hunt, the Ramblers Association and the local cycling clubs. All of these suggestions were dismissed as a “waste of time” and apart from one sign on the junction with the B4100 and the road to Avon Dassett, there appears to have been no other advertising or publicity.

It was the Parish Council which, through the community website, advertised the opening of the Avon, and any of the few “special evenings” that were arranged, including the pensioners lunch, the “ladies evening” were organised by Villagers, not at the suggestion of the applicant

The Parish Council **does not** run the Annual Country Show. It is run by as a separate charitable organisation supported by volunteers from the village. Whilst it may be “*out of site*” of the Avon it is very much part of the village annual social scene and the Avon have not sought to get involved or look to “piggy back” on the event by providing a complementary offering in the evening of the event. The Avon has in fact declined to advertise in the Fete programme having originally agreed to do so. The applicant has never invited the committee, or indeed any other village organisation, to hold their meetings within the Avon with the offer of putting some food on afterwards thus encouraging further community use of the Avon.

The applicant states that all “pensioners” are invited to an annual lunch, normally held at Christmas. The pensioner’s lunch was in fact delayed in order to allow it to be held in the Avon. Any village resident over 60 is invited, however, some of those over 60 are still working, others may be unavailable or ill and are unable to attend. Others choose not to take up the offer as they do not want to be a burden on charities funds. The numbers attending this year were down slightly on the previous year mainly due to the event being delayed, (thus not really being a Christmas lunch), in order to allow it to be held at the Avon. The intention was to support the pub rather than sending business elsewhere, despite there being other places that would have welcomed the business with open arms.

The community has previously organised a highly successful Soap Box Derby, a charitable for event BLESMA, the limbless ex-service veteran’s charity. Traditionally this was held in June and attracted competitors from all over the country as well up to 200 visitors to the village. The “Soapbox” was very much centred on the Avon where the finish line was located and in the past BBQs were held and an outside bar was provided. When approached by the organisers of the 2016 Soapbox, to support the event the applicants reputedly stated that they were “not interested.” The event was cancelled in 2016.

Summary

The tenant states that “It’s all very well activating an Asset of Community Value on a public house but there must be feasible financial and committed back up to warrant such an action”

Under the Localism Act “The only criteria are that the ACV’s principal use must further (or have recently done so) the social well-being of the community, and must be likely to be able to do so in the future.” Avon Dassett Parish Council applied to Stratford District Council to have the Avon registered by them as an ACV because it had always been a vital part of the social life of the village. There is no requirement at the time of registration to have a “feasible financial and committed back up to warrant the request to register an asset.”

The applicants knew at the time of purchase that there was an ACV on the property but they still proceeded with the purchase in the knowledge that it would be difficult to obtain external finance. However, presumably based on their considerable experience, and in the knowledge that they could make the project successful they utilised their own money to fund the purchase. They equally knew that if the ACV was still in place the Avon would be difficult to sell should, in the event, their venture fail.

The decline in pubs in England over the last 10 years has been well documented and presumably the applicant is familiar with the challenges associated with taking on a new venture in an unfamiliar location. There are many examples of independent “boutique” pub operators, who know their market, taking over empty or declining pubs and resurrecting them by providing a facility that suits the location as well as the wider community and provides food and drink that the locality actually wants.

The applicant repeatedly refers to the size of Avon Dassett and the sparsely populated surroundings, but these were facts that existed when they agreed to purchase the Avon and presumably their business plan and marketing strategy reflected this. Why, if there are “*so few residents in Avon Dassett it’s (the Avon) not going to supported enough to make it viable*” did the applicants, with all their experience, buy the Avon in the first place. Why were there only limited attempts to advertise and publicise the business and why were the opening times and food offerings so unpredictable? The only logical conclusion that explains the action of such experienced applicants is that they had a plan in place to eventually seek to apply for a change of use to residential! The fact that this application was triggered within the first four months of trading, by such experienced people seems to further support the idea of an underlying intent to capitalize on turning an undervalued community asset into residential use for personal gain.

The applicant claims that since the closure of the Avon in 2015 “*residents have formed new habits by frequenting neighbouring villages and their pubs*” This is not supported by fact. When the Avon was first re-opened the villagers fully supported it, however, with their 65 years of joint experience, the applicants chose to provide what they thought that the existing customers should have and not what they actually wanted. The applicants positively discriminated against certain sectors of the rural community who wanted their village pub back, especially those who wanted to enjoy a drink in a group, standing at the bar.

The applicant has consistently said that they aimed to provide “fine dining” and although the restaurant area has been upgraded the choice of food has regularly been very narrow and limited to a few dishes. On a number of Friday evenings, the only offering has been “fish and chips, £13.95” and at other times the dishes offered have been significantly less than those advertised on the web site.

The quality of the beer and the cost of the food did not meet the expectations of a discerning clientele and many, after persevering for a while, chose to go elsewhere in order to get the beer of their choice and a wider choice of good food at a competitive rate. The success of other newly launched businesses in the area, such as the Falcon, the Kitchen (at the Inn at Farnborough) and the Red Lion at Northend also proves the point that customers within a wider catchment area are willing to travel and pay for what they want. The business could be there for the Avon if the applicants were willing to listen to their customers and offer something that they wanted; something that attracted customers from the surrounding villages and who would be equally willing to travel a few miles for a good pint and good value food.

The Merrie Lion in Fenny Compton is an excellent local example of a public house that closed and became a very successful community venture attracting customers from all the surrounding villages. Similarly, the Red Lion at North End was closed following the owners failed attempt to get a change to B1 office use. After a period of closure, the Red Lion re-opened and now with a new hardworking and sociable tenant it is thriving again attracting customers from the surrounding areas. There is no reason why the Avon with the right offering could not do the same thing.

The applicant states that “*Industries change and decline and the pub sector is no different – the biggest and most prominent will survive and we must support those, but the smaller, non-profitable ones will close in these changing times. There is more chance for the rural pub to survive if there are fewer of them – as there no doubt is – the financial costs of running rural pubs will only increase*”

If this is truly the applicant’s belief it is both strange that they still choose to be in the licensee business and inconceivable that they expected a success from the Avon, given their understanding of the size of the Village, surrounding communities and the competition. Everything that the applicant has stated was known about before the Avon was purchased and with the applicant’s significant experience they would have accommodated and planned for it in their business and marketing plan unless of course their intentions all along were to achieve a change of use. In retrospect, it seems that the applicants have tried to give the impression that they would use their experience to regenerate the Avon, while actually driving away customers, running down the business, trying to prove the lack of viability, while again capitalising by applying for a change of use, as they have done elsewhere.

If, as at Long Hanborough, a change of use is granted, it is unlikely that the applicants would remain in the village, but would sell on the Avon with a residential consent at a vastly inflated price. Effectively, they would profit from stripping Avon Dassett of its only community asset.

After the first few weeks of optimism regarding the success of the Avon the applicants have progressively reduced the opening hours and failed to advertise the fact. Visitors to Avon Dassett whether they are walkers, cyclists or tourists have arrived to find the Avon closed with no prior notification. The recently established website for the Avon has only recently included the opening hours initially reduced to Friday and Saturday evenings as well as Sunday lunchtimes until 3pm and now, following the submission of the planning application it is permanently closed. The website still shows a lunchtime and evening menu that has not been available for some considerable time. There has been very little communication with the villagers and customers are frequently faced with locked doors during “normal” opening hours even over a Bank Holiday weekend.

Application Letter

The applicant claims that *“our application to change the Avon Pub to residential use (is) so that I can provide a home for my wife and 3 young children”*

The applicant has already stated in the supporting statement that they have already spent a substantial (but undisclosed) amount of money in creating a home for his family. The fact that the Avon has been a financial disaster for the financially experienced saviours of rural pubs is in itself insufficient justification, in planning terms, for granting a change of use which would allow them to sell on a community asset for a significantly inflated price. Nor is the threat of self-inflicted bankruptcy a material consideration in respect of the planning application.

Drawings

The applicant’s drawings are dated 13 July 2016, after the application was first submitted. The layout shown incorporates an outdated layout for the ground floor toilets which pre-dates the refurbishment and could possibly lead one to suspect that they were in fact done at an earlier date. The layout shown does not show the current revised toilet layout which incorporated the in-filling of the external access to the public toilets, which was completed without a planning application required as the Avon lies within the conservation area.

Mike Blakeman
Vice Chairman
Avon Dassett Parish Council
2 August 2016