



The Oak, High Street Charing, TN27 0HU. Applications 19/01217/AS and 19/01218/AS

Objection from Charing Parish Council

10th October 2019

1. The Parish Council objects to these applications and recommends refusal.

Background

2. Before outlining the specific reasons for our objections we wish to mention some pertinent facts related to the statement made by the applicant.

3. The Bookmakers, which is the Class A4 establishment at 18 High Street referred to in the applicant's statement, is a micro-pub, not a pub. It is a small establishment which serves a limited range of drinks. It does not have a restaurant, function room or rooms to let, all of which facilities were offered by The Oak and which the Oak building is perfectly capable of offering again. Neither does the Bookmakers have any car parking. While a welcome addition to the High Street it is in no way a substitute.

4. Like many pubs, The Oak has had periods of greater or lesser success depending on the quality of management and landlords. What is clear is that it has thrived under the right management. The previous landlord referred to in the third paragraph of the second page of the statement, who was in post from August 2010 to July 2012 and considered it "unsustainable", did not manage to run it successfully. Others, as evidence that the Parish Council holds shows, have firm views to the contrary. Incidentally The Oak closed in January 2015 not May 2014 as stated by the applicant.

5. The owners, DLM Investments, bought The Oak for £445,000 in March 2016. A change of use application to turn part of the ground floor into a coffee shop (change from mixed A3/A4 use to sole A3 use) was rejected by Ashford Borough Council in August 2016. The subsequent appeal was dismissed in January 2017, the Inspector finding that the proposal "would result in harm to the social wellbeing of the local community through the loss of the public house, a designated Asset of Community Value."

6. The building was not in a good state at the time of purchase in early 2016. Since no effort appears to have been made by the owners to make other than very minor repairs the building has inevitably deteriorated further. Following a packed public meeting in May 2017 a community group, supported by the Diocese of Canterbury and the Plunkett Foundation, was formed with the aim of acquiring the building and running it as a pub. A top level survey and top level valuation, funded by the Plunkett Foundation, were carried out in Autumn 2017 for this group. The valuation put the value of The Oak **if fully restored**, ready for business but without an existing clientele, at £425,000. One informal ball park estimate of the cost of restoring the building was £150,000 to £200,000 making a reasonable guess at its value at the time to be £225,000 to £275,000. A second estimate suggested that while a

basic refurbishment, assuming only superficial water damage and no asbestos needing removal, could be done for around £150,000, costs to include structural repairs and a more extensive refurbishment could be anything from £250,000 upwards. (Evidence held by the Parish Council has details of the above.) The community group made an initial offer in December 2017 of £200,000 based on the information above but this was rejected.

7. The Community Group's offer was not the only one which has been made to the owners. Indeed the applicant himself stated in an email in May 2017 that he had "several different people make me offers on the Oak". In Autumn 2017 an offer to buy was made by the owner of a small chain of pubs who knows Charing well but was not followed up by the applicant. We believe that the owner of a different chain of pubs has also offered to buy. Other people who were interested have not even had a response to inquiries.

8. In December 2016 the applicant applied for and obtained listed building consent to convert a number of the letting bedrooms into a "manager's flat". (16/01731/AS) The applicant stated that the accommodation used by the previous manager could be converted to replace the letting bedrooms but this ignored the fact that access arrangements would not be suitable. This conversion was carried out in 2017. The "flat", while not part of this planning application, remains part of the building and is unsold. It could be reconverted back to letting bedrooms without problem.

9. The fourth paragraph of the applicant's statement mentions that the building was put up for auction in 2018 but failed to sell. In fact what was offered excluded the flat that had been created. A comparison of the details in the sales brochure with the floor plans shown in this application (or with those in 16/01731/AS) demonstrates this while it was also referred to in an email exchange between the community group and the applicant. The reserve price at £325,000 was higher than the value of the whole of the building based on the valuation done for the Community group and the extensive repairs needed. Given this, and the fact that, to our knowledge, all people interested in the pub want the whole building to be able to include the income from the letting bedrooms, it is not surprising that it failed to sell.

10. In summary, the owners have not only failed to make genuine and sustained efforts to sell or let the building at a reasonable price but they have refused or not responded to genuine attempts to buy it.

11. During their tenure only minor repairs and maintenance have been carried out. In consequence the building has deteriorated and is in a poor state. Its state has attracted vandals and fly tipping. The Parish Council has on several occasions had to clear rubbish from the car park (which is a permissive right of way from the playground to the High Street) for health reasons since the owners have failed to do so.

12. We note that the application is in the name of Mr Diljit Brar and Goldex Investments Ltd. Land Registry information (obtained recently) shows the building still being owned by DLM investments which Companies House information shows as being owned equally by Mr Brar and two others.

Reasons for Objection

13. The change of use would be contrary to Policies EMP10 and EMP2 in the Local Plan. There is no replacement within easy walking distance (as mentioned above the Bookmakers at 18, High Street is a micropub with no restaurant, function room or letting bedrooms and a limited selection of drinks).

There have been no genuine and sustained attempts to sell or let the building and reasonable offers have been refused. The Oak is capable of supporting a number of jobs.

14. Charing will shortly be publishing the Regulation 14 draft of its Neighbourhood Plan. It has a comparable policy to EMP10. Policy C6 of that draft currently states:

“Proposals that result in the loss of shops and services will only be permitted where it can be demonstrated that there is (1) alternative provision for a similar use within reasonable walking distance or (2) the unit is no longer viable for that purpose or an alternative local service, and that it has remained vacant for a substantial period of time, despite genuine and sustained attempts to let it on reasonable terms.”

The change of use would be clearly contrary to that policy for similar reasons as it is contrary to EMP10 in the Local Plan.

15. The Oak was made an Asset of Community Value in May 2016 (see case PR86 – 013 on <https://www.ashford.gov.uk/transparency/the-transparency-code/community-right-to-bid/assets-of-community-value/>) It was accepted that all its uses – as a pub, restaurant, function room and the letting bedrooms – were non-ancillary uses supporting its successful nomination. Its ACV status still has the best part of two years to run (until May 2021).

16. There is no other pub within reasonable walking distance of the High Street. There is a coffee shop, normally open only in the daytime, in the High Street and the only close licensed restaurant is a Chinese restaurant on the outskirts of the village. Other licensed pubs and restaurants are not within easy walking distance of the village centre so most inhabitants of Charing would normally drive to them.

17. Charing village has very limited bed and breakfast accommodation (see the AirBnB website). This is needed not only for tourists but for friends and families of residents and for people (including pilgrims) walking the Pilgrims Way which runs just above the village.

18. The Oak remains capable, as in the past, once refurbished, of offering a bar, a licensed restaurant, a function room (much used in the past for wakes following funerals either in local churches or, particularly, at the near-by crematorium) and six to eight letting bedrooms. It also has car parking. No other building in the High Street can offer this.

19. Research carried out for our Neighbourhood Plan shows that Charing has lost employment in recent years particularly in and around the High Street. The Oak once restored would provide a number of jobs. It would also help local businesses since people staying would make use of shops and the restaurant could use local produce.

20. In contrast Charing has no need of additional flats. A substantial amount of new building will be taking place in the next few years as a result of allocations in the Local Plan and a large amount of windfall development. Plans we have seen include a number of flats. The Parish Council estimates that the population of Charing village could grow by over 50% by 2030. The growth in the village therefore makes the return of The Oak to being a pub even more desirable and financially viable. Additional flats would not bring any positive benefit to the village.

21. We believe that the owners have always wanted to make the building largely or entirely residential. They refer to the building as “derelict” but this is largely a result of their failure to maintain it. It is a Grade II listed building in a conservation area and in a prominent position in the High Street. They should not be allowed to profit from their neglect.

22. Public opinion is strongly and consistently in favour of The Oak becoming once again a pub with restaurant, function room and letting bedrooms. This has been evidenced throughout the research carried out for the Neighbourhood Plan. At a public meeting attended by around 100 people on September 19th recently only four people voted in favour of the application, a few did not vote and the overwhelming majority voted to object. The comments on Ashford's website again show an overwhelming majority against the application.

23. The plans produced in the application show that transforming The Oak into flats would not be easy. For example the living room of Flat 2 either has no windows or, if open plan to the kitchen, would only have the window on the other side of the kitchen. Some other rooms – for example the living room and one bedroom in Flat 4, the study in Flat 3 – would have little natural light. The plans also suggest more internal alteration than the “minimal additional partitioning” referred to in the statement. Please see the statement by Nick Blunt, an architect and surveyor, for more comments on this.

24. The plans do not include proposals for private outdoor space for the flats or how parking will be allocated. They do not include any assurance that the permissive footpath from the playground through the car park to the High Street will be assured. They do not mention the fact that the electricity supply to No 5 High Street still, for historic reasons, branches off The Oak's supply and needs to be separated. Neither do they mention the need to preserve the access currently used by the owners of No 7 (Armada House) to access the rear of their property so they do not add to the parking problem on the High Street.

25. In short this application not only has no merit but by preventing the restoration of a pub would be extremely harmful to the social and economic welfare of Charing. We ask you to refuse the application in the strongest possible terms.