



UPDATE ON THE OAK FROM CHARING PARISH COUNCIL

23rd November 2020

Builders have been working in The Oak for several weeks. It looks to people outside as if they may be attempting to convert the building into flats; residents have also reported that the builders have told them this is happening. Both planning permission and listed building consent for such a conversion were refused in March 2020. No appeal was made against the refusal and the owners are now out of time to appeal. Therefore, any such conversion would be unlawful.

Accordingly, Ashford's enforcement service was alerted in early November and are monitoring what is happening.

The current owners, DLM Investments, purchased The Oak in March 2016. They have no intention to run it as a pub and have refused more than one genuine offer, informed by valuations and surveys, to buy it from groups or individuals willing to run it as a pub. In addition, the condition of the building has deteriorated and we believe there may be structural issues that need to be addressed.

Given the above the Parish Council formally requested Ashford Borough Council at the end of last week to both serve a repairs notice on the owners, requiring them to address any matters necessary for the preservation of the building, and to consider compulsory purchase.

Repairs Notice

The Oak is a Grade 2 listed building. As the Local Authority Ashford has the right to serve a notice on the owner of a listed building requiring them to undertake any repairs considered necessary for the preservation of the building. If after two months the repairs have not been done the Local Authority can start compulsory purchase proceedings.

We requested that such a notice be served in May 2019. However not long afterwards the owners applied for planning permission to convert to residential use so any action was put on hold until the application was determined and the 6 months during which the owners could appeal the refusal had elapsed.

Compulsory purchase

The Oak is an Asset of Community Value which we believe gives a further route to compulsory purchase. We understand that a Local Authority can take steps to compulsorily purchase an Asset of Community Value if it appears that the building will be lost to the Community. We consider

there is a risk that this could happen to the Oak either if the building deteriorates or if there is a creeping or de facto conversion to residential use.

Clearly any steps Ashford takes have to be in line with the law and proper procedures. Ashford will also have to be satisfied that the steps they take are reasonable and proportionate and would survive legal challenge.

The Oak can offer so much to the village. The building can provide not just a bar but a restaurant, guest bedrooms, a function room and car parking. It is not surprising that there appears always to be a clear majority of residents who want it restored to what it could be.

Right of Way

Residents will also have noticed that the builders have blocked up the passage into Piquets. The passage has been used as a right of way for many years and we will start the steps needed to get this formally recognised – this will however take time.

The owners do not have the listed building consent necessary to attach building work to the wall so this is another matter for enforcement.

Car parking

Some residents have also queried the car parking charges. The car park is the property of DLM investments and no one, apart from the occupiers of the house to the left of The Oak, has the right to park there. The owners therefore have the right to charge users – note though what they ask for is, we understand, legally a “price” not a “fine” even though it may be called the latter.