



Gardeners Arms, West Street, Sompting BN15 0AR

Appeal in respect of the refusal of

AWDM/0423/26

For

Change of use from Public House with flat over into full Residential Dwelling including relevant internal and external changes

Appendix 1 - Omission of Material Consideration from the Planning Register comprising:

- **Email correspondence from 7th July, 9th July and 15th July between the appellants agent, Diane Aldridge, and the case officer, Peter Barnett, together with the attachments to that email which comprise...**
- **Letter from the appellant, Sarah Marshall to Sarah Durber (Communities Team/ACV Property Team) dated 1st June 2026 including photographs of the property, and**
- **Letter from Sarah Durber to Sarah Marshall dated 22nd June 2026 setting out the details of the decision NOT to identify the Gardeners Arms as an ACV**

Re: AWDM/0423/26 - Gardeners Arms, West Street, Sompting

From Diane Aldridge <djaplanning@outlook.com>

Date Wed 15/07/2026 15:44

To Peter Barnett <peter.barnett@adur-worthing.gov.uk>

Bcc sarah marshall <sarahjm2009@hotmail.co.uk>

Peter

Many thanks for your email.

I think I have given you all the main information I have in response to your specific queries. However, I do have further general information, which may be of interest.

Whilst it may not be a material planning consideration, I have been provided with information about the recent history of the pub, and who has operated it. I have been made aware that one of the key opponents to the previous and current change of use application to residential was the last landlord of the pub. I understand he lives locally on a farm, and did not live in the pub, even when landlord (the bedrooms were occupied by staff). I also understand they may have been one of the parties that submitted an offer for the pub but, as explained in my earlier email, none of the offers for continued pub use was able to pass the strict due diligence tests regarding the funds and finance and so those offers were rejected by those representing the best interests of the sellers. The last landlord may have been the party that made the third offer, where information was not provided in time and, when it was, the source of funding did not pass the due diligence test carried out on behalf of the sellers.

I am also advised that the last landlord, when showing my client around the pub prior to their purchase, made it very clear to them that it was running at a loss, despite suggested initiatives to try and re-invigorate the footfall, and there was some discussion about the potential for change of use to residential. There are other suggestions, locally, that, prior to its sale, the pub was actively being run down in order to facilitate negative turnover figures. Such information would certainly assist in a future application for a change of use from a pub. However, the freehold owners put the property on the market sooner than expected and the incumbent was then unsuccessful in securing the purchase.

Of course, I can provide no evidence to support what I have been told, and, as explained, we do not have access to the accounts of any of the landlords that last managed the pub. However, I thought it important to share the above information with you as it may provide some context for the weight of opposition to this change of use application (and the previous application) have generated combined with the third attempt to have the pub listed as an ACV. None of this was experienced with the other applications for pubs in the village to be redeveloped to provide residential use and, from my experience of similar applications elsewhere, it cannot simply be because this is the last pub in the centre of the village.

The fact that the Parish Council - who represent the whole local community - remains supportive of the change of use to residential, and the recent bid to have the pub classified as an ACV has been rejected due to viability, should therefore carry significantly more weight than what has possibly been mobilised local opposition.

As there is no further information to provide, save for what has been submitted, and the further clarification in my last email, the applicant would now like a decision to be taken on this application within the current timescale, so they can then be clear about their future options.

In the event of any queries, do let me know.

Best wishes

Diane

Diane J Aldridge BA(Hons) MRTPI

Director



Lunge Haven Studio, Station Road, Hellingly, East Sussex BN27 4EU

07988 723077 djaplanning@outlook.com www.djaplanning.com

Sussex Heritage Trust Award (Commercial Award, 2022): Planning Consultants for The Star, Alfriston BN26 5TA

From: Peter Barnett <peter.barnett@adur-worthing.gov.uk>

Sent: 09 July 2026 11:36

To: Diane Aldridge <djaplanning@outlook.com>

Subject: Re: AWDM/0423/26 - Gardeners Arms, West Street, Sompting

Dear Diane

Thanks for your email and responses to my questions. I have added the plan showing no roof alterations to the file and removed the original from the website.

Are you intending to submit any further information? Your email states: Are you able to confirm that no decision will be taken on this application until we have had a chance to respond to the outstanding points you have raised

I can confirm that no decision will be made until you have responded further or confirmed that no further information is to be submitted. Perhaps we could agree to an extension of time until 24th July to deal with this application?

Regards

Peter Barnett

Principal Planning Officer, Development Management
01903 221310



On Tue, 7 Jul 2026 at 16:35, Diane Aldridge <djaplanning@outlook.com> wrote:
Peter

Many thanks for your email. I have responded to each of your points below.

Drawings:

I have checked the drawings I submitted through the Portal and also those on the Adur online register. I note that the plan "Gardeners2 proposed - plan No. DS/GARDNERS2/02", which shows the scheme with the loft conversion removed and to which I refer in the Planning Statement, does not appear on the Adur web site but it is on my list of submitted drawings. The drawing with the loft conversion shown "02 Rev 1" is the one registered against this application. The REV1 Block Plan that is part of the on-line bundle does show the roof without the conversion. I cannot account for this error, so thank you for picking it up.

I attach the drawing that shows the scheme with the loft conversion deleted and only the minor elevational changes - all as described in the Planning Statement, which is correct. Can you please arrange for this plan to be substituted for "Proposed plans and elevations drawing 02 Rev 1" which is not relevant to this planning application.

Marketing, Offers and Viability:

I have summarised your specific queries on this as follows together with our response:

- **of the offers received - why was the third offer rejected?** We have approached the agents, Sidney Phillips, to respond to this query. As reflected in the *Thomas E Teague Viability Report*, two offers were made for pub use but after due diligence neither party had sufficient funds to proceed. The third offer is also understood to have been with interest for pub use but requested proof of funds was not received in a timely manner and the matter was concluded. It was subsequently found the funds were abroad, which would have raised further queries and due diligence, which was never instigated.
- **is there any evidence this person/group wished to continue the use as a pub (as suggested by third parties)?** As above - interest in continued use as a pub but due diligence not completed.
- **why was the accepted offer higher than the guide price?** The applicants' offer was higher than the asking price to offset the VAT. This is dealt with at point at 25.2 of the *Viability Report*. The purchaser did not wish to run The Gardeners Arms as a pub and completed form VAT 1614D, which is used when someone wants to disapply the option to levy VAT on buildings for conversion into dwellings. The seller, The Wellington Pub Company, which, in common with most large commercial landlords, had elected to charge VAT on rents. That meant that it was also required to charge VAT on a freehold disposal. For someone who

wished to continue running it as a pub that would not have been a problem as it would have been a "going concern" transfer and the VAT could have been recovered. However, someone wishing to convert it into a private dwelling would not have been able to recover the VAT and the way round that is to disapply the option to levy VAT – effectively a cessation of the business.

- **did the applicant purchase with the intention to operate as a pub and were funds/a business model provided to demonstrate that?** It was purchased with private funds from a house sale and evidence was provided to support that. The sellers, The Wellington Pub Company, was made aware the purchaser did not intend to run a pub and so they did not have to demonstrate a business model for pub use. The planned change to residential was cited on the VAT form. The requirement to demonstrate that the prospective purchaser had sufficient funds to sustain their business model related to the time it was available to let on a new lease for pub use. This is a standard requirement for a leasehold pub where the landlord needs to be satisfied that a potential new tenant has a robust business plan and will be able to pay the rent. Once the pub was marketed on a freehold basis that requirement would have fallen away and the intended use of the building would have been immaterial as far as the vendor would have been concerned.
- **are there any trading accounts of the last few landlords to sustain the assertion that the pub is no longer viable?** This specific point is dealt with at *paragraphs 1.1 and 16.2* of the *Viability Report*. Leased or tenanted pubs are operated on a self-employed basis and the landlord does not have access to the annual accounts. Occasionally, the landlord may be given the tenant's accounts as part of a support package if the tenant has got into financial difficulty, but that would be on a confidential basis and may even be covered by an NDA. Accounts may also be disclosed as part of rent review negotiations, but, again, that would be on a confidential basis. Limited companies have to deposit their accounts with Companies House, but that was not the case here and, even where they are filed, the information is almost invariably limited to a balance sheet and does not include the profit and loss account. As part of their due diligence, the prospective purchasers spoke to the last landlord whilst viewing the property. They confirmed the pub was not profitable making any money but this will be impossible to prove, but was part of the research we undertook when considering the project.

The assessment of viability of The Gardners Arms has been undertaken by John Keane, a highly experienced Fellow and Vice President of The Association of Valuers of Licensed Property. He is a partner in a long-established firm specialising in the valuation of licensed property covering sales and lettings, valuations, rent reviews, lease renewals, rating and tenancy/chattels valuations. Familiar with cases under Civil Procedure Rules Part 35 and acting as expert witness in Planning Public Inquiries and Hearings in relation to viability issues, he has been a member of the panel of independent expert valuers under The Pubs Independent Rent Review Scheme; acted as Arbitrator in contested rent reviews of licensed premises and represented tenants in arbitrations and referrals to an

Independent Assessor under The Pubs Code. His conclusion, based on a deep knowledge and understanding of the sector and the available evidence, is that The Gardners Arms is unviable.

ACV:

I am sure you are aware that, in parallel to this planning application, the local community group - Save The Gardners Arms Group - submitted an application for the property to be considered an ACV. By letter from Sarah Durber of the Major Projects and Investment team at Adur & Worthing Councils, dated 22nd June, it was confirmed that the nomination was classed as "unsuccessful". The on-line ACV list has yet to be updated but the letter sent to the owner (copy attached) sets out the following details regarding your Council's decision:

"The Public House was closed in July 2025 when it was bought by an individual. Whilst the Council recognises the public house has, in the recent past, had community and social uses, there is no current non-ancillary use that furthers the social interests or social wellbeing of the local community. The Council considers that, due to its dilapidated condition and strip-out of pub fixtures and fittings, the likely sale price and post-sale investment required makes it financially unviable to be re-opened and run as a public house again. It is noted there were no offers to purchase from community groups during marketing between 2022 - 2025"

This is the third attempt to have the property recognised as an ACV since 2023. As noted in the Planning Statement, the previous two applications were withdrawn before an assessment and decision could be made. This is therefore the first time all presented evidence has been fully considered by the Council. Whilst the tests are slightly different to a planning assessment, nevertheless, the decision that the ACV nomination is unsuccessful, and the reasons why, are a material consideration in the assessment of the current planning application.

I have attached for your information the submission that the owner made to the ACV. This also contains photographs of how the pub appeared when the sale completed.

Consultation Responses:

It is acknowledged that there are many third party objections to the planned change of use. Some of these respondents may be part of the Save The Gardners Arms Group that have been unsuccessful in making their arguments for the ACV designation. Others have noted that The Gardners Arms "was" or "used to be" a successful pub confirming the assessment that, even as an unopposed village pub, it has struggled to attract sufficient trade to offset the significant overheads. The many suggestions that it is appropriate to retain a vacant, unviable pub in a dilapidated state in the "hope" that the additional housing planned for the area will somehow translate to a new community focused on wanting to spend their leisure time in the local pub, is entirely unrealistic. The potential for medium term population growth has been considered in the Viability Report and this has not changed the conclusion that the use of this building as a pub is no longer financially viable.

It is important to acknowledge that all statutory consultees - including the Parish Council who made the first withdrawn ACV application in 2023 - all support the change of use application.

It is also important to clarify the internal works, referred to by the local community and prompting enforcement interest, have been undertaken to a non-listed property. The details of the sale were on what is termed a "rent and release" basis. This meant that no internal fixtures and fittings, furniture etc were included in the sale and many were removed prior to completion of the sale. Any new tenant or owner wishing to continue to operate the pub would therefore have to source all the necessary fixtures and fittings and carry out all and any repairs to the building. As illustrated by the photographs attached to the ACV submission, the commercial kitchen had already been removed prior to purchase and all that remained was the commercial extractor, which didn't work and was condemned as a health hazard, so was removed. The floor of the kitchen had collapsed and as this was unsafe, a new floor has now been installed. Ceilings had also collapsed around the bar area and so the "works" that the local community mis-interpreted as "stripping out fixtures and fittings" were simply clearing all the debris from a vacated and dilapidated building. The bar area remains in situ.

Timescale:

I note on the on-line register that a date of 21st July is given as the "expiry date" for the application although the "determination deadline" is given as 9th June. I appreciate there has been a delay

while the matter of the ACV has been considered. Are you able to confirm that no decision will be taken on this application until we have had a chance to respond to the outstanding points you have raised and the correct "proposed" plan has been attached to the file. Given that we are already beyond the 8 week period, it is important that a decision is taken on the basis of all available information.

In the event of any immediate queries, do let me know.

Best wishes

Diane

Diane J Aldridge BA(Hons) MRTPI

Director



Lunge Haven Studio, Station Road, Hellingly, East Sussex BN27 4EU

07988 723077 djaplanning@outlook.com www.djaplanning.com

Sussex Heritage Trust Award (Commercial Award, 2022): Planning Consultants for The Star, Alfriston BN26 5TA

From: Peter Barnett <peter.barnett@adur-worthing.gov.uk>
Sent: Tuesday, July 07, 2026 09:40
To: djaplanning@outlook.com <djaplanning@outlook.com>
Subject: AWDM/0423/26 - Gardeners Arms, West Street, Sompting

Dear Diane

With reference to the above application, I note from your Planning Statement that "The key change from the scheme refused last year is the removal of the planned alterations to the roof to accommodate a loft conversion. The proposal now is to simply convert the existing internal space to provide a single residential property with minor elevational changes" (para 3.1)

However, the submitted plan still shows a proposed dormer and part gable. Please would you confirm whether the Statement or Plan is incorrect?

With regard to marketing, I note from the Teague report that 2 offers were received at the guide price but these were rejected due to lack of funds being produced. A third offer was rejected but no reason was given. A 4th offer (from the applicant) was initially rejected at the guide price but a subsequent higher offer was accepted.

I am unclear why the third offer was rejected or why the final accepted offer was above the guide price. There are suggestions from third parties that the third offer was from someone who wished to continue the use as a pub which contradicts your assertion that there was "no interest in operating the pub as a going concern" (para 5.8 of your statement).

It also appears that the applicant has purchased the property with no intention of operating it as a pub despite the marketing information advising that "an incoming party will be required to demonstrate sufficient funds to sustain their business model."

There is no financial evidence of the trading accounts of the last few landlords so it is difficult to ascertain whether the pub is no longer viable.

With all this uncertainty, I do not consider that a clear case has been made to justify the loss of the pub or to demonstrate that there is no interest in its continued use as a pub.

I therefore intend to refuse the application and this will be done under the scheme of delegation and will not need to go before the Planning Committee.

However, before I do so, I would appreciate your confirmation on the external alterations and whether you wish to submit further clarification on the viability/marketing/offers received.

Regards

Peter Barnett

Principal Planning Officer, Development Management
01903 221310

Adur & Worthing Councils

Worthing Town Hall, Chapel Road, Worthing, West Sussex, BN11 1HA

<http://www.adur-worthing.gov.uk>



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Objection to the listing of the Gardeners Arms Pub as an Asset of Community Value.

Sarah Marshall
2 c Pebble Cottage
Eriswell Rd
BN113HP

1st June 2026

Communities Team / Assets of Community Value) Propertyteam@adur-worthing.gov.uk
sarah.durber@adur-worthing.gov.uk

Gardener Arms West Street Sompting BN15 0AR

As the freehold owner of the property and land related to the above address I am writing to formally object to the nomination of The Gardeners Arms West Street Sompting BN15 0AR as an Asset of Community Value under the localism Act 2011

The current primary use of the pub closed in July 2025 after a long period of operating at a loss as detailed in the particulars from Sydney Philips included in the viability assessment report (see attachment) Sydney Philips marketed the property unsuccessfully for almost 3 years with no offers from outside or within the community. Details confirmed from the covering statement by **Diane Aldridge DJA Planning, Chartered town Planner** representing myself Sarah Marshall for the current planning application **AWDM 0423/26**

'There is local support from some residents for the pub to continue. However, this has not translated into sufficient consistent patronage that, in turn, translates into financial viability for the different operators that have tried to make the pub a success in the context of a crippling national climate for the hospitality sector.'

'Whilst the local community has shown interest in nominating the pub as an ACV, it has not gone further than that and shown interest in purchasing or running the pub either as a going concern or as the base for some other local service for the community. There have been opportunities to express that interest since October 2022 when the marketing started, or before then, in August 2022, when the pub first closed. This would confirm that the pub is unviable as a going concern'

An extensive viability report. (see attachment) clearly shows a pattern of decline in both the business and the property itself which has become in a very poor state. (pictures below)

Extract **John Keane From Thomas E.Teague** Viability report dated 26th March 2026 confirming the pub is no longer viable.

Regarding demand and marketing the report concludes as follows: "The Gardeners Arms is an unopposed, poorly invested public house in a small village. The bar areas are poorly laid out, with the left-hand bar some distance from the servery. The toilet facilities are poor and whilst the external trading space is useful it is not as versatile as a garden. The parking facilities are adequate". "The pub is in need of significant investment. There are a number of outstanding repairs and the railway carriage to the rear of the site is in an extremely dilapidated condition. Removing it would be a necessity, but in doing so the customer toilet accommodation would be adversely affected. The bulk of the trade inventory has been removed and would need to be replaced before the pub could re-open".

"The pub has been extensively marketed by a firm of specialist licensed property agents for nearly 34 months and a new operator could not be found. The marketing was on a leasehold and a freehold basis and was unfettered. Whilst the pub was being marketed it was let to 3 temporary tenants, none of whom were persuaded to make the arrangement permanent". "In common with other ex-leasehold pubs trading accounts are not available. Based upon my experience and other pubs that are on the market I have assessed FMT at £293,000 per annum exc. VAT which would produce an FMOP of £43,315. In my opinion and bearing in mind the estimated £200,000 post acquisition investment that would be required, that would be insufficient to attract an operator". "From a financial perspective... the pub is no longer viable."

Many of the concerns that are raised by the locals in regard to The Gardeners Arms Pub as being important to the social well-being and interests of the community are founded on memories and nostalgia of a thriving pub from years ago. The fact that several pubs in the local vicinity have closed in recent years is a sad reflection on changing times, as set out in the viability report and, as stated by **Diane Aldridge of DJA Planning**, if there was truly a community need for the pub then presumably the Gardeners Arms should have been thriving after the closure of these other establishments?

'In 2021 it was accepted that the village could not sustain the two remaining pubs and it was expected that The Gardners Arms would cater for the needs and demands of the community of Sompting. However, that has not been the case. The expectation that The Gardner's Arms would absorb the trade lost by The Marquis of Granby (and The Ball Tree and The Joyful Whippet before that) is logical, but has not happened in practice. Despite the best efforts of those operating the pub, with the usual draws of quiz nights, darts, cribbage, raffles and music events, the level of trade and community support has simply been too low to sustain the business.'

Most of the events that locals have concerns about in regard to a community meeting place could be undertaken in the local community centre, The Harriet Johnson centre (details attached) who have weekly and monthly events for the local community offering opportunities for locals to socialise and meet regularly within the community. It appears this is the main reason for the objections, the loss of a communal meeting place, rather than an actual need for public house. There also seems to be unreasonable interest in the loss of the car parking facilities, that those living in close proximity seem to feel is their right to use.

As much as it saddens me to see these pubs in decline, I took on the property with the intention of sympathetically restoring the building and saving it from further decline. In the current market a pub of this size with the money needed to get it up to any sort of operating standard is clearly not viable for a village the size of Sompting. Its clear, as supported by the Parish Council that the pub has been in steady decline for many years and I feel strongly that this application be rejected. The current application offers no substantive answers as to where funding or the patrons to pay for the building, re opening and maintaining of the pub as a viable business are to come from, either in the short or long term, and in the meantime the property will just further decline and become an eyesore on the village.

'several residents feel very strongly about the loss of the pub and the role it plays in the community. However, this is not a universal view of the residents of the village or the wider area and is not a view now taken by the Parish Council. Whilst disappointed about the loss of the pub, they acknowledge that it has been failing for several years and have accepted the reality that it is unlikely to re-open as a pub or community facility preferring to ensure the building is retained and converted rather than lost to demolition and redevelopment, as with other pubs in the village.'



Kitchen when I moved in August 2025 floor had collapsed after many years of water leaks and blocked pipework



Rotten floor Joists and infested with dead and live Rats. Drain outside the kitchen, again many years of neglect and lack of maintenance. Environmental health nightmare.



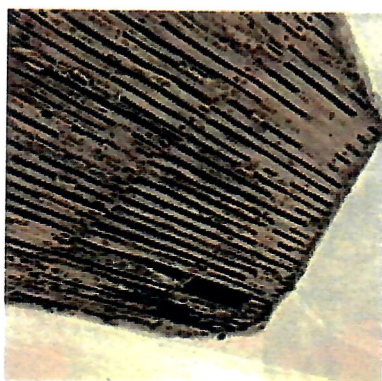
kitchen window which is completely rotten and loose, commercial extractor vent in very poor state and broken.



Further blocked drain outside rear door which resulted in water from the bathroom in the managers flat upstairs pouring directly into the cellar and foundations through the walls, again this is something that has been allowed to go on for some considerable amount of time with potential to cause extensive damage.



Exterior windows at the front all in similar condition throughout the building



Train Carriage in the rear of the car park area. Ceiling collapse upstairs bedroom at the rear, damp water leak in front bedroom.

sash windows all sealed shut and not working



ADUR & WORTHING
COUNCILS

Adur & Worthing Councils
Worthing Town Hall
Chapel Road
Worthing
West Sussex, BN11 1HA
www.adur-worthing.gov.uk

The Gardener's Arms
West Street
Sompting
West Sussex
BN15 0AR

Date: 22 June 2026
Service: Major Projects & Investment
Tel: 01903 221413
propertyteam@adur-worthing.gov.uk

Notification of Unsuccessful Nomination for Assets of Community Value

Dear Sarah Jane Marshall

Asset Name: The Gardener's Arms

Asset address and postcode: Public House, West Street, Sompting, BN15 0AR

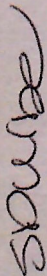
Further to Adur & Worthing Council's letter dated 13 May 2026, advising of the nomination for the above asset to be included on the Councils List of Assets of Community Value, please be advised that after careful consideration, Adur & Worthing Council have classed the nomination as unsuccessful. Please see the following details regarding this decision:

- *The Public House was closed in July 2025 when it was bought by an individual. Whilst the Council recognises the public house has, in the recent past, had community and social uses, there is no current non-ancillary use that furthers the social interests or social wellbeing of the local community. The Council considers that, due to its dilapidated condition and strip-out of pub fixtures and fittings, the likely sale price and post-sale investment required makes it financially unviable to be re-opened and run as a public house again. It is also noted there were no offers to purchase from community groups during marketing between 2022-2025.*

Adur & Worthing Council will proceed to include the above asset on the Assets of Community Value unsuccessful and removal register for the next 5 years, which can be viewed on the Council's Assets of Community Value and Community Right to Bid webpage.

Adur & Worthing Councils, Worthing Town Hall, Chapel Road, Worthing, West Sussex, BN11 1HA
www.adur-worthing.gov.uk - facebook.com/AdurWorthingCouncils - twitter.com/adurandworthing

Yours Sincerely



Sarah Durber

sarah.durber@adur-worthing.gov.uk

01903 221442 / 07826 945094