



Planning, Design & Access Statement

In support of the Planning Application for the change of use from Public House with flat over to residential dwelling including relevant internal and external changes, parking and landscaping

The Gardeners Arms, West Street, Sompting, West Sussex BN15 0AR



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1.0 Background and Context:

- 1.1 This application seeks the change of use of The Gardeners Arms, West Street, Sompting from a public house with a 3 bed flat, to a 4 bed residential dwelling. There are only minor internal and external changes required to facilitate the change of use and a parking area for the property will be created off West Street with associated hard and soft landscaping. The existing pub car park will become a landscaped garden for the dwelling.
- 1.2 The Gardeners Arms is located on the south side of West Street in the village of Sompting. The property is not listed but is an attractive example of a late 19th Century public house and sits within the Sompting Conservation Area. The property is outside the defined built up area, and so considered to be countryside. It is also located in the Local Green Gap.
- 1.3 The property has no separate outbuildings but there is an old railway carriage which has been attached to the rear of the property, next to a raised timber decking area. This is accessible from one of the bars within the pub. It is proposed to remove this carriage as part of the change of use, but retain the decked area.
- 1.4 The pub is accessed on foot from West Street either via a front entrance door or a ramped side entrance off the car park. The car park is laid to tarmac with a mature weeping willow dominating the south eastern corner. The car park is not formerly laid out with defined spaces but has the physical capacity for between 15 and 18 cars. Some spaces are compromised by access to the commercial and recycling bin store area at the rear of the car park.
- 1.5 There is an area adjoining West Street that has previously been laid out with benches and tables for use by customers of the pub. There is no formal boundary separating the front area of the pub from West Street, but planters have been sited along the boundary to try and define the area. This is because vehicles park on the road right next to this area of the pub.
- 1.6 There are separate sections of footpath along this part of West Street but no footpath immediately next to The Gardeners Arms. West Street is also narrow at this section with on street parking along the southern side of the road. Traffic flow is controlled by a priority for vehicles heading in an easterly direction along West Street. On street parking and through traffic is a characteristic of the village and it is often used as a rat run for traffic bypassing the A27, which runs to the north of the village.
- 1.7 The Gardeners Arms closed for trading in August 2022. The leasehold was marketed by Sidney Phillips from October 2022. During the marketing, the property was re-opened and was trading on a limited basis on Tenancy At Will (TAW) agreements. With no interest in the leasehold, the agents were instructed to also advertise the freehold from June 2024. The business was then permanently closed when the freehold was sold in August 2025. From 2022 to its closure in 2025, there were three separate tenants who operated the pub, all running at a loss. A detailed assessment of viability and the marketing has been carried out by Thomas E Teague and is submitted in order to address these matters in more detail.

- 1.8 In October 2025, a planning application was submitted for the change of use of the pub and flat to a single dwelling (AWDM/1285/25). This also proposed a loft conversion with changes to the roof comprising a dormer, half-gable end and roof windows. No objection was raised by West Sussex as Highway Authority; a pre-commencement condition was recommended for the preparation of a Written Scheme of Investigation for archaeology, in order to create an archive record of the building prior to its alteration; Southern Water and the surface water drainage consultant raised no objections – subject to conditions, and the proposal was supported by Sompting Parish Council acknowledging that the pub had “*struggled to survive over many years*” and preferring to see conversion of the existing building rather than redevelopment for a more dense development (as has been the case with other pub schemes in the village).
- 1.9 There were historically several pubs and clubs serving the village. The Ball Tree was closed for several years following a fire in 2011 and was subsequently demolished for a housing development. Sompting Royal British Legion Club closed in 2015 and The Joyful Whippet was closed in 2021 with the latter subsequently demolished for housing (despite being initially nominated as an ACV in 2015). The Marquis of Granby closed in 2021 and permission was granted for the site to be redeveloped for a flatted scheme.
- 1.10 Whilst there are other pubs in the built up areas to the east and west, The Gardners Arms was the last pub in the village prior to its closure. There were some local objections to the loss of the pub as well as those who supported its conversion to residential use, in order to save a valued local building whilst acknowledging that the pub had been in decline for the past 4 to 5 years. However, despite the support from statutory consultees, and some local residents, the application was refused for two specific reasons:
1. *The proposal would result in the loss of an existing community facility and it has not been satisfactorily demonstrated that it is no longer viable, there is no demand for the facility within the area or that the premises have been marketed for a reasonable period of time. The proposal is therefore contrary to Policy 33 of the Adur Local Plan and Paragraph 98 of the NPPF.*
 2. *The proposed rear dormer extension would, by reason of its size and design, be an unsympathetic addition which would be harmful to the character of the building and the Conservation Area, contrary to Policies 15 and 17 of the Adur Local Plan, Supplementary Planning Guidance’ comprising: Development Management Standard No.2 ‘Extensions and Alterations to Dwellings’ and the NPPF.*
- 1.11 In parallel to the planning process, there have been two attempts to have the pub considered as an Asset of Community Value (ACV). The first was promoted by Sompting Parish Council on 14th November 2023, but the listing request was withdrawn on 22nd April 2024 and no decision taken. A further application for ACV assessment was made late last year by a group of local residents. This was also

withdrawn, on the 21st January 2026. The Gardners Arms is not registered as an ACV and there are no live applications for it to be assessed as an ACV.

- 1.12 The remainder of this statement will comment on how the revised planning application has addressed these reasons for refusal; the planning policy context for the revised scheme, with reference to the policies of the NPPF and the development plan as well as the previous comments from the statutory consultees.

2.0 Planning History:

- 2.1 There is an extensive planning history for various works at The Gardners Arms. Prior to the planning application in October 2025, these all related to operational development in association with the continued operation of the public house and works to the mature weeping willow tree.

3.0 Proposal:

- 3.1 This application seeks planning permission for the change of use of the pub to a single residential dwelling. 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 and works to the car park to provide a garden and to the access off West Street to provide parking and landscaping..
- 3.2 Internally, the ground floor bar areas, public toilets and commercial kitchen will be repurposed to provide a new lobby and hallway leading to the stairs with a dining room and leisure/games room leading into a new kitchen dining area to the left of the new entrance hall with a lounge and snug in the rooms to the right. The stairs will be realigned to provide access to the first floor with the existing stairs leading down to the cellar retained in situ. The cellar will be lined and re-purposed as a small snug/cinema room with a lantern introduced to the existing delivery hatch to provide natural light. At first floor, the existing 3 bed flat with bathroom and kitchen will become 4 bedrooms, one with an en-suite, and a separate family bathroom.
- 3.3 Externally, the seating area at the front of the pub will be enclosed with a low brick wall with a pedestrian gate leading to the front door. Low brick walls are a characteristic boundary treatment for other properties along West Street and within the Conservation Area generally. There have been comments made in the context of the earlier change of use application about the loss of the pavement as a result of the new wall, but there has never been a public pavement in front of the pub. It is likely pedestrians have simply walked into a private area rather than along the road for convenience. West Street is a narrow lane with parking on one side and only limited areas of pavement, some narrow and unconnected. Enclosing the front garden will not impact the public highway and no objection to this wall was raised by the Highways Authority.
- 3.4 A dedicated off street parking area will be created for 2 cars with space for a third car to be parked in front of the access gate to the proposed rear garden. The spaces will be separated by a planted area enclosed with a low brick wall. The separation between

the new parking area and what will be the rear garden will be achieved with a 1.8 metre high solid wall rendered and finished in the same colour as the rendered first floor of the building. A narrow planting strip will be created in front of the wall to provide opportunities for planting to soften the appearance of the new wall. There will be a separate vehicle and pedestrian entrance within the new wall with pillars from which the new solid timber gates will hang. Boundary walls and access gates are an existing feature of other properties along West Street and within the Sompting Conservation Area and the boundaries of The Grenadier Arms car park are defined by an existing flint and brick wall gate which stands approximately 1.8 metres high.

- 3.5 There are areas where an electric charge point can be sited either on the new wall across the garden, or on the wall of the property. Within the private garden, on the other side of the proposed new boundary wall, there will be an area for secure and covered cycle parking and bin storage.
- 3.6 The existing footprint, floorspace external appearance, size, scale, bulk and massing of the building will remain as it is currently. No extension to the roof is proposed. There will therefore be no conflict with the character of the building and the Sompting Conservation Area. This change is considered to have fully addressed reason for refusal 2 of AWDM/1285/25.
- 3.7 A detailed Viability Assessment, which also details the marketing strategy, has been produced by sector specialists Thomas E Teague. This now fully addresses reason for refusal 1 of AWDM/1285/25 and demonstrated that the pub is no longer viable, there is no demand for the facility within the area and evidence that the premises have been marketed for a range of options and for a generous period of time with no interest from the hospitality sector or the local group to re-open the pub or use the space to provide another local service for community use.

4.0 Planning Policy Context:

(a) National Planning Policy Framework (NPPF) 2025:

- 4.1 The 2025 NPPF embeds a more consistent presumption in favour of sustainable development across all development. National decision-making policies are now explicitly designed to be applied directly to applications and appeals, and where local policies conflict with them, those local policies will carry limited weight.
- 4.2 This shift is reinforced by the Planning and Infrastructure Bill, which strengthens the Government's ability to standardise decision-making, streamline delegation, and reduce procedural delay. The next stage of consultation on changes to the NPPF embodies the Government's next phase of their planning reform agenda which will introduce a permanent presumption in favour of suitably located development.
- 4.3 At present, under Paragraph 88, in supporting a prosperous rural economy, public houses are included in a list of accessible local services and community facilities where planning policies and decisions should enable their retention and development.

Paragraph 98 of the National Planning Policy Framework (NPPF) 2025 includes pubs within the definition of shared spaces and community facilities. The NPPF requires that planning decisions should:

“a) plan positively for the provision and use of shared spaces, community facilities;

b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;

d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and

e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services”.

- 4.4 At present, the NPPF and Adur Local Plan set different policy tests when considering the loss of a community facility. However, the next stage of consultation on changes to the NPPF was published in December 2025. Under *HC6: Retention of key community facilities and public service infrastructure* the updated approach states:

“1. Development proposals should not result in the loss of key community facilities and public service infrastructure serving a local area unless:

a. It can be demonstrated that there is no reasonable prospect of the facility being retained, due to there being insufficient community support for the service it provides, or it no longer being viable (in the case of shops and public houses where viability is an issue, evidence should be provided that reasonable steps have been taken to market the property for its existing use without success, for a period of at least twelve months); or

b. The loss resulting from the proposed development would be replaced by equivalent or better provision, in a location which offers comparable or improved accessibility for the community it serves.

2. For the purpose of this policy, key community facilities and public service infrastructure means established services that are used on a frequent basis in a local area such as local shops, public houses, places of worship, local health facilities and community halls. The policy applies only where the facility would be the last of its type in the area concerned”.

- 4.5 This updated text now aligns with the approach taken by many local authorities, including Adur, which allows evidence to be presented relating to the level of community support, viability and marketing when assessing the loss of community facilities.
- 4.6 The revisions to the NPPF also embodies the Governments next phase of their planning reform agenda which will introduce a permanent presumption in favour of suitably located development. The NPPF's "presumption in favour of sustainable development" (currently Paragraph 11) is a "golden thread" guiding planning decisions to approve development, unless adverse impacts significantly outweigh benefits. This is particularly relevant where a Local Plan is considered "out of date". This is when policies have not been updated or reviewed within 5 years of adoption, the authority cannot demonstrate a 5 year supply of deliverable housing sites and policies do not align with current national policies.
- 4.7 Paragraph 61 states that *"to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."*
- 4.8 Adopted in 2017 and not updated since, the Adur Local Plan can be considered "out of date". In addition, if housing delivery is below 85% of the housing requirement over the previous three years, a 20% buffer must be applied. The Housing Delivery Test 2023 (covering the period 2020/21-2022/23), published December 2024, indicates that Adur delivered 81% of its requirement. As Adur failed the Housing Delivery Test the council has applied a 20% buffer to its 5 year land supply calculation. The current housing supply calculation indicates Adur has only 3.2 years and so cannot demonstrate a 5 year housing land supply. This is a material consideration in planning decisions where there is a presumption in favour of sustainably located development. .

(b) National Planning Policy Guidance (NPPG)

- 4.9 The National Planning Practice Guidance (NPPG) elaborates on the policies of the NPPF. This confirms the requirement for good design and the presumption in favour of sustainable development. Relevant sections of the NPPG have been fully considered as part of this proposal.

(c) Adur Local Plan 2017:

- 4.10 The Adur Local Plan was adopted in December 2017. A "Key Issues" Consultation was held in January 2025 and work is progressing towards a new Local Plan. However, this work has been held up by the Governments on going planning reforms such as meeting predicted housing need, and the move towards a Sussex Unitary Authority in 2028.

- 4.11 In the Adur Local Plan 2017 **Policy 10** states that “*Sompting village will not be expanded or intensified due to its linear and historic character, and countryside location within the Local Green Gap.*”. This proposal involves the conversion of an existing building, so does not conflict with this policy.
- 4.12 **Policy 13** relates to Adur’s Countryside and Coast. This policy applies as Sompting is located outside the Built Up Area Boundary. The policy allows for the appropriate change of use or conversion of existing buildings where certain criteria are met. The Gardeners Arms is structurally sound and of permanent construction; in keeping with its surroundings in terms of form, bulk, design and materials; does not involve substantial extensions or substantial demolition of existing buildings; conserves the character, fabric and setting of the building and has no adverse impact on biodiversity. Indeed, regarding the latter, the biodiversity will be greatly enhanced by the proposed change to create a garden where there is currently a car park. The proposed use as a residential property therefore complies with this policy.
- 4.13 **Policy 14** relates to Local Green Gaps. Here the requirement is that within designated areas development must be consistent with other policies in the Local Plan and not (individually or cumulatively) lead to the coalescence of settlements (in this case Lancing/Sompting/Worthing). This policy is complied with as the proposal relates to the conversion of an existing building and no new built development is proposed.
- 4.14 **Policies 15** (Quality of the Built Environment and Public Realm) and **17** (The Historic Environment) were referred to in Reason for Refusal 2. These specifically related to concerns about the proposed physical changes to the roof with the change to a gable, the addition of a dormer window and roof lights. These element of the proposal have now been deleted and this application simply seeks planning permission for the change of use of the pub with associated changes to the car park to provide a residential garden. These elements were not raised as a concern in the original scheme but the change from a hard surface car park to a natural garden and the other hard and soft landscaping elements are considered to be an enhancement of the village and the wider public realm as required under the criteria of **Policy 15**.
- 4.15 The requirements of **Policy 17** are also addressed by the proposed conversion of The Gardners Arm as the associated development is of a high standard of design and materials and will respect, preserve and enhance the character and appearance of the Sompting Conservation Area.
- 4.16 Regarding the loss of the pub, the key policy is **Policy 33**, Planning for Sustainable Communities. This is the policy referred to in reason for refusal 1 of AWDM/1285/25 where evidence had not been presented to adequately address the requirements of the policy. This application is now supported by a detailed Viability Assessment by sector specialists, Thomas E Teague, which addresses fully the requirements of the CAMRA Public House Viability Test as well as the requirements of **Policy 33**.

4.17 **Policy 33** states:

“The Council will protect, and support improvements to, social and community facilities. Development which would result in the loss of existing social or community facilities will only be permitted where:

- It can be demonstrated there is no demand for the facility within the area and the premises have been marketed for a reasonable period of time; or*
- There is alternative provision available locally that is accessible, and at least equivalent in terms of quality; or*
- The proposed development would provide an alternative social and community facility.”*

- 4.18 It is important to note that the policy is expressed as an “or” criteria based approach, not all criteria have to be met to comply with the policy. Further assessment of each of these criteria is set out below.
- 4.19 Additional guidance that has been assessed includes Supplementary Planning Guidance - Development Management Standard No.1 Space Around New Dwellings and Flats; Sustainable Energy SPD (August 2019); Adur Planning and Climate Change Checklist (June 2021); WSCC Guidance on Parking at New Developments (Sept 2020). The Sompting Conservation Area Report (ADC 1992) has now been updated to a comprehensive Sompting Conservation Area Appraisal (May 2024), a joint document produced by Adur and the South Downs National Park Authority.
- 4.20 Ensuring that appropriate and sufficient social and community infrastructure is provided is a vital part of delivering healthy, sustainable communities. A range of facilities may be required, or improvements made to existing facilities, to address issues arising from changes in population or deprivation. For the purposes of this policy, social and community facilities may be defined as community venues, cultural buildings, places of worship, education and health facilities, and pubs where evidence demonstrates they have a community value.
- 4.21 From the assessment of national and local policy, and given the assessment of viability and marketing now provided, the proposals are considered to comply. Further details and assessment are set out in the following section.
- 4.22 In 2012 a Neighbourhood Area was agreed to inform the preparation of the Sompting Neighbourhood Plan. A Regulation 16 Plan was produced for public consultation in April 2018. A Hearing was held in July 2018 where the Parish Council indicated they wished to pursue an amended Plan. Following an Extraordinary Parish Meeting, it was agreed to withdraw the Plan and resubmit a revised version that better reflected the wishes and expectations of the parish. A revised Plan got to the stage of a Regulation 14 consultation but was withdrawn in March 2022. There has been no further progress towards the production of a Neighbourhood Plan for the Parish.

5.0 Assessments:

a. Loss of the pub:

- 5.1 The supporting text to Policy 33 states (para 4.103) *“it is important to ensure that social and community facilities are protected, where they are viable and used” (my emphasis)*. This is key to whether pubs can continue to serve their communities in a way they may have in the past and allows for their loss if it can be demonstrated that the use is no longer viable and the level of community support is insufficient to continue to sustain the use.
- 5.2 The Gardners Arms is the last pub in the village of Sompting. Since 2011 those pubs and community facilities located in or close to the village of Sompting have closed and the land then redeveloped for housing. The most recent example of this was The Marquis of Granby. This closed in 2018 following a drop in sales over the previous 2 years. This decline was despite generous car parking and a prominent corner location in the village at the junction of Church Lane and West Street. Planning permission was granted in 2021 for its redevelopment to provide a large block of 9 flats, now completed.
- 5.3 Prior to this closure, The Ball Tree was closed for several years following a fire in 2011 and was subsequently demolished for a housing development; Sompting Royal British Legion Club closed in 2015 and The Joyful Whippet was closed in 2021 and subsequently demolished for housing. When The Marquis of Granby was promoted for development in 2021, the viability report submitted in support referred to The Gardners Arms. It noted that *“the popular Gardeners Arms is a traditional village pub...providing another alternative for locals ...with lunchtime and evening meals, outside space and a choice of real ales”*. The assessment concluded *“The immediate area could be serviced comfortably by the Gardeners Arms, which has gained increased popularity year on year, following their success in winning the Arun and Adur pub of the year in 2013”*.
- 5.4 As the Viability Assessment for The Gardners Arms concludes, there is alternative provision in the more populated settlements to the east and west of the village. 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. Added to this, the well-publicised National decline of pubs and the struggles of the hospitality sector generally, it has provided the perfect storm that The Gardners Arms has been unable to weather.
- 5.5 Pubs in the UK are closing at an alarming rate - between 1 and 4 per day in 2025 and already 350 establishments have closed in the first 2 months of this year. The surge in closures has been driven by high-tax policies with business rates and VAT combined

with debt accumulated during the pandemic has created a “tax-penalty” for businesses. The impact of the Government’s 15% business rates relief for eligible pubs is yet to be felt having only started at the beginning of the month. In addition, rising energy prices, goods, increased minimum wage, national insurance burden and inflation.

- 5.6 The South East is one of the regions hardest hit by pub closures. Shifting consumer habits, including decreased alcohol consumption among younger people, working from home, and cheaper supermarket alcohol, have also severely reduced footfall, attraction and profitability of traditional pubs, which has added to the surge in closures.
- 5.7 Even though it was the last pub in the village, and might have been expected to benefit from an uplift in trade following the closure of the other pub in the village in 2018, the pub struggled for the next 4 years before it closed for the first time in August 2022. The marketing exercise started in October 2022 initially advertising the leasehold. The pub did re-open and was operated on a Tenancy at Will (TAW) basis. This is a flexible arrangement for running a pub designed for situations where a long term contract is not yet in place, such as during a temporary, transitional period, or while awaiting a refurbishment or sale. It allows either party, the pub owner, landlord or operator, to terminate the agreement with minimal notice.
- 5.8 It was hoped that by keeping an active use in the building, that might encourage interest in the leasehold and also keep some income to cover the crippling overheads. When there was no interest in the leasehold, the freehold of the pub was offered on the open market in June 2024. There were two TAW arrangements while the leasehold and freehold was being marketed. Both were unable to turn around the fortunes of the pub and both operated at a loss. With no interest in operating the pub as a going concern, the freehold was sold to Sarah Marshall (the applicant) and the pub formally closed in August 2025.
- 5.9 The Localism Act introduced legislation in 2011 to allow Parish Councils and community groups, neighbourhood forums and not-for-profit organisations to nominate land and buildings for inclusion on the list of Assets of Community Value (ACV). Qualification is where its main use is, or recently has been, to further the social wellbeing or social interests of the local community and if it could do so in the future.
- 5.10 In November 2023 Sompting Parish Council nominated The Gardners Arms for inclusion on the list of ACV’s. The submitted documents had to include the nominators reasons why the Council should conclude the “asset” is of community value. The submitted documents are not publicly available and on 22nd April the nomination was withdrawn before a formal assessment could be made and a decision taken. Prompted by the first planning application for the change of use of the pub to a residential dwelling, in December 2025, a group of local residents - “Save The Gardners Arms Group” – nominated the pub as an ACV. This was withdrawn in January 2026 again prior to a formal assessment or decision by the Council. Whilst status of a pub as an ACV is not a permanent bar to development, it is highly persuasive evidence of the pub’s value to the community, making it harder to justify its loss. The Gardners Arms is not registered as an ACV.

- 5.11 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 and as no community interest exists to purchase it, it is difficult to sustain the case that The Gardeners Arms passes the test of being “crucial to the village’s social fabric”.
- 5.12 It is clear from the responses to the public consultation exercise for AWDM/1285/25, that 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. This acknowledgement that there is no realistic prospect of the building being used as a pub, or any other community facility, may have prompted their withdrawal of the ACV nomination in 2024 and why they were not part of the community group nomination late last year (later withdrawn).
- 5.13 Policy 33 sets out the Local Plan criteria to be satisfied where the loss of an existing social or community facility is proposed. These are expressed as separate criteria to be addressed. It is not necessary to satisfy all criteria for the policy to be complied with.
- 5.14 The first criteria is that there is no demand for the facility within the area and the premises have been marketed for a reasonable period. Unlike some similar policies, what Adur consider a “reasonable period” for marketing is not specified. The draft amendments to the NPPF suggest 12 months of marketing is necessary. Other Council’s suggest 24 months of marketing. The Gardeners Arms has been marketed for 34 months for both the leasehold and the freehold.
- 5.15 The Policy does not require that while the property is being marketed it should be vacant. The operation of the pub on TAW arrangements does not indicate there is a demand. A TAW is a recognised device to keep the premises open in the hope that it will at least cover it’s costs and ensure the premises are occupied for various reasons, including for insurance purposes, and also in the hope one of the TAW operators will convert their interest into taking on the leasehold or freehold. That was not the case here and all operated at a loss.
- 5.16 The details of the viability assessment and marketing are set out in the Thomas E Teague report. 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.”

- 5.17 Given the detailed assessment and conclusions on both viability and marketing, we consider this criteria of Policy 33 has been addressed such that the loss of the pub is justified.
- 5.18 The second criteria of the policy is that there is alternative provision locally that is accessible and at least equivalent in terms of quality. Whilst The Gardeners Arms was the last pub in the village prior to its closure, the village and the surrounding area are well-served by other pubs and community facilities. Further details are set out in the Viability Report which concludes *“The core village has few local facilities, but there is a good range of local, intermediate and regional level facilities in the Brighton , Worthing, Littlehampton built-up area”*. Whilst the report concludes that there is no other pub within easy walking distance – with no pavement next to West Street when heading West into Broadwater, facilities to the East can be accessed along the pavement next to West Street. There is also a bus route which runs along West Street between Sompting, Lancing and Broadwater, which provides public transport access to community facilities in the wider area.
- 5.19 There is new housing development to the east of the village, on Church Farm, owned by the Sompting Estate and referred to as “West Sompting” where a minimum of 480 houses are proposed. Phase 1 is underway. This will deliver additional safe options for walking and cycling in the local area which may benefit the residents of the village of Sompting and so increase accessibility to services and community facilities in the wider area, no longer provided in the village.
- 5.20 It is considered that this criteria can also be addressed such that the loss of the pub is justified.
- 5.21 The final criteria is that the proposed development would provide an alternative social and community facility. The proposal is for a change of use of the pub to a residential

dwelling. This does not provide an alternative social and community facility so fails this criteria. However, as required under the CAMRA test, the viability report has also assessed whether The Gardners Arms could successfully offer alternative social facilities for the community. The report concludes that the pub is best-suited to continue as a community local with a food offer, if that were a viable option. However, having assessed the concluded that the it were able to operate as a viable business. It is not suitable for use as an alternative community facility viable .

- 5.22 Policy 33 does not require that all criteria are addressed in order to comply. As demonstrated above, two of the criteria are addressed by this scheme and the documentary assessments submitted in support. The final criteria is not satisfied but that is because the assessment indicates it would not be suitable as an alternative social facility for the community.

b. Housing Land Supply:

- 5.23 Paragraph 89 of the NPPF sets out the use of previously developed land. Sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. This proposal is for the change of use of an existing property with minimal additional works to facilitate that change of use. It is located within a settlement that is well served by public transport. The proposal therefore accords with the requirements of the Framework.
- 5.24 The Council can only demonstrate 3.2 years supply of housing land, a considerable shortfall on the necessary 5 year Housing Land Supply. An inability to demonstrate a 5 year HLS warrants the application of paragraph 11(d) of the NPPF, which relates to the presumption in favour of sustainable development.
- 5.25 In this case, Paragraph 11(d)(ii) means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 5.26 The Adur Local Plan 2017 is now considered to be “out of date”. As demonstrated above, although considered out of date, Policy 33 has been fully addressed with this revised application and accompanying viability and marketing assessment. This also addresses the requirements of Paragraphs 88 and 98 which seeks to retain community facilities where they are “valued”. It has been demonstrated that, whilst some members of the local community do value The Gardners Arms, this has not translated into sufficient consistent patronage that 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. It has also not been sufficient to sustain an application for the use to be designated an ACV – two applications having been withdrawn. The loss of the pub is therefore not considered to be an adverse impact such that Paragraph 11(d)(ii) cannot be applied here.

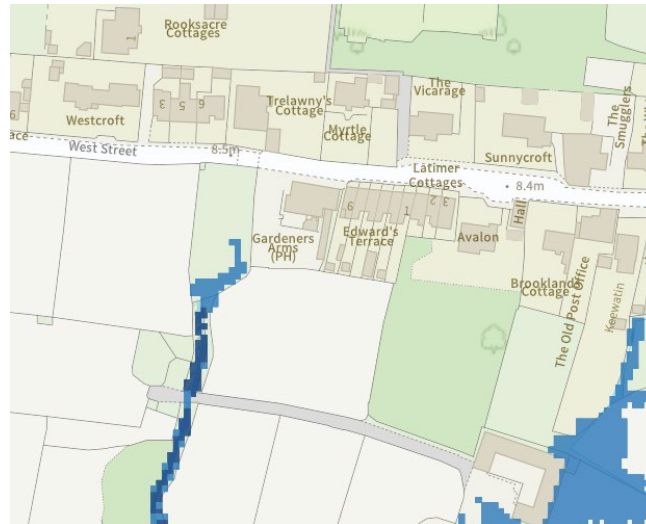
- 5.27 The scheme for the conversion of The Gardners Arms will not provide an affordable home, under the accepted definition, but it meets all other requirements of 11(d)(ii) in that it will positively contribute to boosting housing supply and would bring about some limited economic and social benefits through the temporary construction jobs it would create during the conversion and development of the site and help to support local services. Given the significant housing shortfall for Adur, even one dwelling is important and, in such circumstances, Inspectors have attribute significant weight to this helping to meet the Council's 5 year housing land supply.
- 5.28 Therefore, from an assessment of National and Local Plan policy, this proposal complies. It represents sustainable development; the re-use of an attractive building in a Conservation Area; the provision of a new dwelling in a Council unable to demonstrate a 5 year housing land supply and so the presumption is in favour of granting planning permission.

c. Car Parking and Access Arrangements:

- 5.29 Access to The Gardners Arms is via a dedicated vehicular access off West Street. There is pedestrian access to the front and side of the property. This will continue but, as shown on the submitted drawings, will be defined by a low wall, directly in front of the property, and a high wall set back from West Street to define the new parking area and enclose the private garden.
- 5.30 The marketing particulars indicate that there are currently 18 spaces available in the pub car park. However, accommodating access to the commercial bins and other external storage associated with the pub, it is more realistic to suggest there are 15 useable spaces. The proposed change of use to a single residential dwelling with 4 bedrooms does not require the scale of parking currently available and the car park will be re-purposed as a private garden for the dwelling.
- 5.31 There are 3 parking spaces proposed to serve the 4 bed dwelling. This is in accordance with the parking standards and will ensure all parking can be provided on site without the need to add to the existing scale of on street parking along West Street. The parking spaces are laid out with 2 permanent spaces next to the property and a third space in front of an access gate to the garden. This would allow the creation of a further space within the garden, if required, with the additional security of being behind a wall and secure gate.
- 5.32 Although not shown on the submitted drawings, there is space on the existing or proposed new wall for the addition of an electric vehicle charging point. The standard is for 1 bike space to be provided for the property. The plans show space for bicycle parking on the garden side of the proposed new wall, next to the bin store. This could accommodate more than the required standard.

d. Flood Risk Assessment:

- 5.33 As shown by the Environment Agency flood map below, the site of The Gardeners Arms are located within Flood Zone 1. The creek to the immediate west of the boundary wall is noted as being Flood Zone 2, becoming Flood Zone 3 as it moves south towards the sea.



- 5.34 The application site does not include any land that is liable to flooding or surface water events. The nature of the change of use and associated development for which planning permission is sought will not be affected by current or future flooding from any source; the development will not increase flood risk elsewhere; no additional measures are required to deal with the current effects and risks and it is not appropriate to apply the Sequential Test or the Exception Test.

6.0 Summary:

- 6.1 The proposal for the change of use of The Gardeners Arms will deliver a new dwelling in an attractive building in the Sompting Conservation Area, contributing to both its enhancement and conservation. It will also contribute to the Council's housing land supply, which is significantly less than the required 5 years, triggering the presumption in favour of sustainable development.
- 6.2 The viability and marketing assessment has demonstrated that the pub is no longer viable and, despite being comprehensively marketed over 34 months for both leasehold and freehold options, there has been no interest for the use to continue. Two previous applications for the pub to be designated an Asset of Community Value have been withdrawn prior to a formal decision.

- 6.3 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.
- 6.4 From an assessment of National and Local Plan policy, this proposal complies. It represents sustainable development; the re-use of an attractive building in a Conservation Area; the provision of a new dwelling in a Council unable to demonstrate a 5 year housing land supply and so the presumption is in favour of granting planning permission.

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