

From: Diane Aldridge <djaplanning@outlook.com>
Sent: 07 July 2026 16:35:10 UTC+01:00
To: "Peter Barnett" <peter.barnett@adur-worthing.gov.uk>
Subject: Re: AWDM/0423/26 - Gardeners Arms, West Street, Sompting

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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.

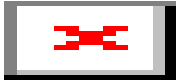
In the event of any immediate queries, do let me know.

Best wishes

Diane

Diane J Aldridge BA(Hons) MRTPI

Director



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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

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Adur & Worthing Councils

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



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