

SAVE



MEDIA RELEASE

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HUGE VICTORY FOR RESIDENTS AS PLANNING INSPECTOR SAYS PUB CANNOT BE SPLIT UP

Local residents are celebrating a huge victory in their fight to save a historic Hackney pub, as the Planning Inspectorate has refused to allow the building to be split up. The Inspector found that Hackney Council were right to take action against the developer when he converted the upper floor into a self-contained flat last October, and dismissed the developer's appeal.

After three days of legal argument held in June and September, the Inspector decided that dividing the building would create a real risk the pub would be lost for good. He also decided this would harm the character of the Clapton Square Conservation Area, and bring no additional benefits. He said the loss of the pub would breach a list of planning policies at national, regional and local level. Finally, he said that the buildings status as a registered Asset of Community Value was a further reason it should be protected. [1] For these reasons, he dismissed the developers appeal.

However, the Inspector has extended the time the developer has to comply with the enforcement notice. The trading area of the pub was converted to a "temporary office" after new rules intended to boost economic activity allowed temporary changes for up to two years. Despite the fact that at the Chesham Arms these rules have manifestly failed to create jobs or growth – what was a prosperous pub is now an unused office earning its owner just a peppercorn rent – as the law stands there is little residents or the Council can do. As a result, the Inspector has effectively decided that while the trading area is legally an office, the flat above it can be used. Crucially however, the entire building will go back to legally being classed as a pub in March 2016.

The developer was also forced to concede to the Inquiry earlier claims that the pub was not viable [2]. With this concession, and the finding that loss of the pub breaches numerous planning policies, it is now almost impossible to see how permission for conversion to flats will be granted.

Chairman of the Save the Chesham Campaign, Jonathan Sockett, expressed his joy and relief at the decision:

"We always knew it was wrong for the landlord's flat to be self-contained without permission and we are delighted that the inspector has dismissed the appeal. He could not have made it clearer that local planning policies mean this is a pub that deserves to be protected. We now look forward to the developer abandoning his unrealistic plans to convert the building to flats and instead putting the pub on the market so it can be relaunched and enjoyed by all"

James Watson, a pub campaigner for the Campaign for Real Ale and local resident commented on the decision:

"This case demonstrates the disconnect between planning and localism. Although this pub is an Asset of Community Value and the Community and Council have clearly tried to save it, nationally-set permitted development rights have allowed this developer to ride roughshod over the wishes of the community. The new laws are badly worded, vague and while intended to boost the economy, have simply destroyed jobs at the Chesham Arms. The rules forced the inspector to extend the time for compliance until March 2016. I say to Eric Pickles, what is the point of the notification process if a developer can claim that a flexible use begins at an arbitrary date of their choosing?"

--ENDS--

For further information please contact

Martyn Williams 07712 843221 / James Watson 078180 421475

NOTES

[1] Paragraph 43 of the Inspector's decision found

"I conclude on the main issue, that the permanent change of use of the first floor of the premises to a Class C3 self contained residential flat is unacceptable ... it would probably result in the loss of the Class A4 public house, which is registered as an Asset of Community Value. Furthermore, as a consequence of that loss, the change of use would not preserve the character of the Clapton Square Conservation Area. The development therefore conflicts with LP [London Plan] Policies 7.1 and 7.8, CS [Core Strategy] Policy 25, as well as draft HDMLP [Hackney Development Management Local Plan] Policy DM5 and the [National Planning Policy] Framework."

The full decision is available here: <http://www.savethechesham.org/wp-content/uploads/2014/10/Enforcement-Appeal-Written-Decision.pdf>

[2] Paragraph 23 says "the appellant's original intention had been to convert the entire building to residential use as flats. It is clear that this is why the pub was closed on the sale to the appellant and Mr Allen said it was no part of the appellant's case to suggest that a pub is no longer viable on this site."

[3] A brief timeline of the Chesham Arms is given below:

1860s – Chesham Arms is built as a pub when Mehetabel and Isabella Road were laid out on land that was once part of the grounds of Sutton House. The first record of the pub is in the Post Office directory of 1866, which lists "Edmund Evans, Beer Retailer". It goes on to trade for almost 150 years with no record of any previous closure.

4th October 2012 – The Chesham Arms is sold to property developer, Mukund Patel. The pub is still serving customers the night before the sale completed, but has never opened its doors since.

15th November 2012 – A representative of the new owner wrote to the Hackney Gazette saying a planning application would shortly be prepared to convert the pub to flats. No application has ever been received.

December 2012 – Chesham Arms is added to Hackney's Local List of Heritage Buildings.

11th March 2013 – The Chesham Arms becomes Hackney's first Asset of Community Value – recognising the importance of the pub as a social and community space and offering limited legal protection.

June 2013 – The owner of the Chesham Arms informs Hackney Council he intends to convert the ground floor of the pub into temporary offices for two years from August 2013. New regulations allow this ground floor change as "permitted development" and so outside the control of the Council. Although one of these offices has now been let (at a peppercorn rent), they remain unused other than for storage.

September 2013 – The owner advertises a self contained flat for rent on the upper floor of the Chesham Arms. After residents' complaints that this change had not received planning permission, Hackney Council begin an investigation.

17th October 2013 – A legal challenge to the listing of the Chesham Arms as an Asset of Community Value by the owner of the Chesham Arms is rejected by Judge Nicholas Warren after a hearing in Hackney Town Hall.

24th October 2013 – Hackney Council take enforcement action over the new flat – the owner appeals against this decision, leading to a Planning Inquiry.

24th June 2014 – Planning Inquiry begins. Two days of evidence are heard in public session in the Picturehouse, Hackney and then a further day is held in the Town Hall in September.

2nd October 2014 – Planning Inspector dismisses the owner's appeal and finds Hackney Council and residents were right to say loss of the pub breached numerous planning policies.

ABOUT US

The Save the Chesham Action Group was formed by local residents to campaign to keep the pub operating as a pub. The campaign has collected over 2500 signatures on petitions opposing the loss of the pub.

The campaign website is at www.savethechesham.org and you can follow the campaign at twitter (www.twitter.com/savethechesham) or facebook (www.facebook.com/savethechesham)