

**Email Copy (31.01.2025)**

Dear Mr Griffiths,

**Change of Use from Public House with Flat Above (Class A3) to Single Dwelling (Class C3) Together with Associated Works Including Demolition of Rear/Side Single Storey Extension and Formation of Raised Paved Patio Using Demolished Extension Floor Slab, Reduction of Existing Car Park to Form Amended Parking and Turning Area, New Means of Enclosure, Landscaping, Together with External Alterations Including the Formation of New Door/Window Openings on the Side and Rear Elevations at The Butchers Arms, Alltwen Hill, Alltwen, Pontardawe. SA8 3BP (Application Reference: P2024/0673)**

We refer to the above planning application currently under consideration. Whilst we have already addressed Policy SC2 of the Neath Port Talbot County Borough Council (NPTCBC) within the body of the submitted supporting statement. The purpose of this follow up letter is to specifically focus on this Policy, as we set out in our email to you dated 7th November 2024.

The planning application is for the change of use of an existing public house, with ancillary flat above to a residential dwelling (*full description of development in title*).

NPTCBC Local Development Plan Policy SC2 (*Protection of Existing Community Facilities*) is relevant to the proposal, where an application is to be made to change the use from an existing community facility. This policy states:

***“Any proposals which would result in the loss of an important existing community facility will only be permitted where it can be demonstrated that:***

- 1. The facility is surplus to requirements; or***
- 2. The existing use is no longer viable.”***

It is clear that in order to satisfy Policy SC2 either criterion 1 or criterion 2 must be met.

At the point of submission we sought to satisfy criterion 1 of Policy SC2 by evidencing that the facility is surplus to requirements by undertaking a comprehensive contextual analysis identifying numerous other similar facilities within close walking distance to the application site. And that these other existing provisions adequately serve the communities needs.

Letters from Dawsons Estate Agents and Bevan and Buckland Chartered Accounts were also submitted providing a historical overview of recent and multiple failed tenancies with details of significant financial losses occurred by the applicant.

On the 28th October 2024 we received a letter from the local planning authority requiring additional information in order to allow the authority to fully consider the acceptability of the proposed development. Item 2 of this request read as follows:

***“No details of a marketing campaign have been submitted showing attempts to sell the public house as a going concern and the information is therefore insufficient to demonstrate that the current market conditions have been tested for the continued operation of the public house or any other community use at the building. In respect of the alternative uses for the property the public house could potentially be changed to some uses without planning permission, such as Classes A1 (Shops) and A2 (Financial and Professional Services). However, given that the site has not been marketed it is not possible to assess if there would be interest for these, or other community uses or if a sale could have been completed. No reference has been made to the success / nature of the current operation as it is noted that the pub appears to be operating – reference to this should be made within your statement (not just in marking information).***

***It is therefore advised that you market the premises for a sufficient period of time for use as a public house or another community facility. The outcome of this marketing exercise should be submitted to the local planning authority in support of any future application and the findings assessed against the relevant LDP policies”.***

On the 7th November 2024 we replied by email stating that we do not interpret LDP Policy SC2 or the content of its supporting text with the submission of a ‘marketing campaign’ as a ‘prerequisite’, adding that we consider that sufficient information has been submitted to actually cover both grounds of the policy, although we were seeking to satisfy criterion 1.

On the 11 November 2024 and as requested by the LPA an updated supporting statement was submitted entitled ‘Revision A’. This included additional details as follows:

It was set out that the use of the words **‘vary’** and **‘may’** in paragraph 3.0.22 appear to allow applicants flexibility in how to evidence against the policy.

Supporting paragraph 3.0.22 to Policy SC2 states that ***“the type of evidence required will vary depending on the type of facility under consideration, but may include details of why the building is no longer in use, what alternative provision there is locally, what other community options have been considered for the building and evidence to show that reasonable efforts have been made to market the facility for sale or lease for its existing use”.***

It is our interpretation that paragraph 3.0.22 does not stipulate that the submission of a marketing campaign is a prerequisite, but rather sets this out as one of many examples that could be submitted to evidence against the policy.

Additional details were provided to confirm that the last operator commenced from 2023 and that the company has become insolvent. However at the time of writing the lease has not been surrendered. There is a new short term lease in place established in order to avoid empty property cost and to protect against degradation of the building. And in this respect the current grant of lease has been on terms which are wholly uncommercial and significantly loss sustaining. It is inconceivable to contemplate that following a series of failures in quick succession that a re-emerged failed Tenant shall now succeed.

Additional information was also provided considering alternative uses for the site. Stating that whilst technically an A3 use could be changed to an A1 use or A2 use lawfully, invariably a prospective purchaser/ occupier would require some form of confirmation of this such as through a Certificate of Proposed Lawful Development before committing to such purchase or lease. In addition, it is also highly likely that an alternative use would also require some level of alteration to the property which would require a full planning application. Therefore it is not straightforward to market a property for an alternative use, without consideration of the above.

It was also demonstrated that there is already a surplus of A3, A1 and other community uses in the local and wider area. The site is not considered to be in an appropriate location for consideration of an A2 use (banks, building societies, estate agents, employment agencies etc) for the site, as it is located within a predominantly residential area, with no other A2 uses nearby. A2 uses typically do not want to locate in a small villages, when a much more appropriate town location for such uses exists close by in Pontardawe.

Arguing that in this case, there is no benefit in a marketing exercise as it has already been demonstrated that the existing lawful facility is surplus to local requirements in full accordance with criterion 1 of Policy SC2, and that marketing does not satisfy the criteria of viability. The site does not present a fundable proposition to lenders as evidenced.

The application was subsequently registered as being complete and lawful on 14th November 2024.

Notwithstanding the above, attached is a copy of an additional letter from Dawson's Estate Agents dated 8th January 2025. This letter confirms that they received written instructions from the applicant to place the property on the market on 20th September 2024. We also attach a copy of Dawsons enquiry pack for your reference. This letter summarises there has been no interest in the property to be let or sold with vacant possession as a pub or for any other commercial venture since it has been marketed, now over 4 months ago. Further emphasising the sites unsuitability for use as a commercial property.

We would like you to take all of the above into account when coming to a decision on the application. Thank you.

Yours Sincerely



**Adrian Phillips** BA(hons) MRTPI

Director