

It's been some time since the last update and many of you are curious as to what's happening with The White Hart. Plenty has been going on behind the scenes between us, the Planning Inspectorate (PINS), the Court deciding the ACV appeal and North Devon Council (NDC).

Firstly, we can report that the owner's appeal against the listing of The White Hart as an Asset of Community Value has been upheld. Our pub will no longer be on North Devon Council's list of ACVs. This decision was purely based on the judge's interpretation of the 'recent past' test in the Localism Act. It is not a comment on whether the pub is/was an asset. We all know that it was an extremely valuable asset for our community and can be again.

Two good things have come out of the ACV appeal. Firstly, we commissioned an expert report from a licensed leisure surveyor as part of the appeal proceedings. This contains professional confirmation that the pub has clear potential to be viable. Secondly, there is further confirmation from the owner's own consultant that its market value is substantially lower than the prices variously suggested to us by the owner.

As we have experienced, the legislation behind the ACV listing process is relatively toothless, so whilst this news is disappointing, it is not a serious blow to our campaign as the more pressing planning questions have been answered and the pub's use as a pub protected.

More significantly, The White Hart continues to enjoy protection through the planning system. Pubs are specifically exempt from a recent change to the planning system to make it easier to convert commercial premises to other commercial uses (known as 'Class E'). In recognising the important role they play in communities, government will also exempt pubs from a proposed future change to the planning rules which will enable commercial premises in class E to be changed to residential use without planning permission.

But we are getting ahead of ourselves. The Planning Inspectorate has issued its decision to dismiss the owners' appeal against the Enforcement Notice (EN) issued by North Devon Council in October 2019. The EN, which is now in force, instructs the owner to cease the residential use of the public house and to remove the kitchen and cooking facilities from The Apartment (the bedsit). If you wish to read the full decision, you can find it by navigating to the Planning Inspectorate website and searching for case reference 3240256, or by following this link: [Reference: APP/X1118/C/19/3240256 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/app/x1118/c/19/3240256)

Since then, PINS has also dismissed the appeal against North Devon Council's refusal to grant a Lawful Development Certificate (LDC) to legalise the residential use of the property. If you've been following the case closely you will recall that the owner attempted to secure residential use of The White Hart's flats by arguing that 4 years had passed and that the use was now legal as a consequence. The legislation however requires that where the council have taken enforcement action by issuing a notice, the 4 year clock stops ticking. For that reason his appeal could not succeed. If you wish to read the full decision you can find it by navigating to the Planning Inspectorate website and searching for case reference 3255935, or by following this link: [Reference: APP/X1118/X/20/3255935 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/app/x1118/x/20/3255935)

Some of you may also know that PINS has recently dismissed similar appeals by Mr Milton against enforcement action and the refusal of a Lawful Development Certificate for residential use in respect of the Ring O'Bells in Prieford, which he also owns. The reasons for the dismissed appeals at the Ring O'Bells are in all material respects the same as those for the White Hart. For the Ring O'Bells EN appeal decision go here: [Reference: APP/X1118/C/19/3237425 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/app/x1118/c/19/3237425). For

the LDC appeal decision go here: [Reference: APP/X1118/X/20/3255571 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/applications/APP/X1118/X/20/3255571).

This is really positive confirmation that both The White Hart and Ring O'Bells are pubs and not residential properties or development opportunities. The present planning position in respect of both pubs underscores their value to us in Bratton Fleming and to the residents of PRIXFORD. The Inspectorate decisions are an important step forward for our respective campaigns. We fully recognise, however, that this may create difficulties for the owner's tenants. We do hope that the owner is supporting them to make alternative arrangements and ensure they are not left out of pocket.

Now that all of the appeals have been resolved, we are continuing to pursue a Compulsory Purchase Order to ensure The White Hart can once again be a valuable asset at the heart of our community. We are mindful of the challenges facing the council at this point in time, so we are liaising with our MP and relevant government ministers to try to find a way to streamline the CPO process in such cases and to improve the Assets of Community Value regime to make it more effective in supporting community enterprise.

We are looking forward to making further progress in the new year. As soon as there is any further news we will let you know.

Thank you for your patience, and your continuing support.

Last but not least, we are grateful to our planning and heritage consultant, Dale Ingram of Planning For Pubs Ltd, who has supported us, advised us and acted for us (and for the Ring O Bells) for over a year. And also to David Morgan FRICS, surveyor at Morgan & Clarke, who assessed the White Hart's viability for the ACV appeal. Cheers!