

Save Our White Horse Campaign

Assessment of The White Horse Kimpton Planning Application 25/00090/FP

1. Summary

The Save Our White Horse campaign has been running since 2104 when the pub was first closed. The campaign objectives are first to protect the historic Listed Building and its setting within the Conservation Area of Kimpton and then restore it to its former successful use as a full service traditional country pub. The campaign is formally registered on the Financial Conduct Authority mutuals register as a not for profit organisation.

The campaign's considered assessment is that the application is substantially the same as the previous application in 2021, 21/010108/FP, rejected by North Herts Council (NHC) in line with the recommendation by Kimpton Parish Council (KPC). The previous application was considered by planning officers to be in contravention of a great many local and national planning policies. As the local and national planning policy environment, like the new application, is also substantially unchanged **it must be rejected on the same basis as previously.**

The new application demonstrates that the property owner, information technology company, Eleven Six IT Ltd (Company number 08203332), has allowed the Grade 2 Listed Building and Asset of Community Value (ACV) in the Conservation Area of the village to dilapidate unabated since taking ownership in July 2017. The application shows the structural integrity and historic fabric of the property to be at increasingly serious risk and now highlights a growing safety risk to the public. Regardless of the outcome of the planning application, **NHC must now urgently issue appropriate enforcement notices under the Listed Buildings Act and the Town and Country Planning Act** to ensure public safety, protect the historic Listed Building and Asset of Community Value (ACV) and address the adverse impact of the dilapidation on the safety and amenity of the village Conservation Area.

National Planning Policy Framework section 209 means that **this deliberate dilapidation cannot be taken into account in any planning decision.**

The application presents a deeply flawed view of viability and ignores the long held desire of the community for return of a full service traditional country pub and its rejection of the applicant's proposed and most likely unviable 'micropub'. It also ignores the compelling evidence of the many highly successful community focussed rural pubs across the UK including four recent examples in the North Herts Council area alone.

The owner stands to secure substantial financial gain at the expense of the community from a change of use to residential for the full property. They therefore have a vested

interest in the commercial failure of the proposed ‘micropub’ and consequent complete loss of any public house use of the ACV. Thus, if NHC consider recommending approval despite the impact of the poor design, the many policy non-conformances and the strong wishes of the community, the owner must be incentivised to ensure the success of the ‘micropub’ by including a planning condition similar to that currently in place which **makes any residential or other use, including office use, ancillary to the operation of the ‘micropub’.**

2. Design Impact

The property is a historic Grade 2 Listed Building in the Conservation Area of the village. To protect against the loss of the pub to the community, it was nominated by KPC and approved by NHC as an ACV under the Localism Act in both 2015 and 2020 and subsequently included by NHC on their ACV register. The property therefore has strong legal protection of both the historic building and its community use as a pub.

The previous planning application was rejected on the basis that it would result in significant loss of the historic fabric and harm to the Listed Building, as well as its adverse impact on surrounding properties and the conservation area - due to its bulk and scale.

The current application still shows serious harm to and significant loss of the historic fabric of the Listed Building. Whilst some, unscaled drawings show a potential minor reduction in size of the proposed rear extension, other drawings show the proposed extension to be the same size as previously. Nonetheless, the potential reduction in size is marginal. With removal of almost the entire original rear roof, the proposal still causes significant loss of the historic fabric of the listed building.

The bulk and scale of the three large pitched roofs with wind turbines on the proposed side extension on the previous application was considered by both KPC and NHC to significantly adversely impact adjacent properties and the conservation area. Whilst some unscaled drawings again show a potential slight reduction in the bulk and size, other drawings still show them to be the same size and height and still with wind turbines. As with the proposed rear extension, the currently proposed side extension would still have significant adverse impact on adjacent properties and be completely out of keeping with the host building and the conservation area.

The application would therefore be in clear breach of policies D1 and D2 of North Herts Local Plan since it does not “*respond positively to the local context*” (D1) and is not “*sympathetic to the existing house in height, form, proportions, roof type, window details, materials and the orientation of the main dwelling*”; and does “*dominate adjoining properties*” (D2)

NHC local plan SP13 states:

*“The Council will balance the need for growth with the proper protection and enhancement of the historic environment. When considering the impact of a proposed development on the significance of a designated heritage asset, **great weight will be given to the asset’s conservation and the management of its setting**. We will pursue a positive strategy for the conservation and enjoyment of the historic environment through:*

a) Maintaining a strong presumption in favour of the retention, preservation and enhancement of heritage assets and their setting according to their significance”

As the application will likely lead to complete loss of pub use of the ACV, it does not address the NHC local plan for growth in Kimpton’s population. As the application is also not sympathetic to its setting in the Conservation Area, in order to comply with this policy the application must be rejected. Retention of the existing planning use class as a full service pub with sensitive restoration of the Listed Building within its current footprint would satisfy both aspects of the policy.

The previous application was also rejected due to the inadequate and unacceptable provision for waste storage at the front of the property. As this has not been addressed in any way in the latest application, particularly in relation to the proposed ‘micropub’ use, it must once again, be grounds for rejection.

3. Planning Policy

The application is in contravention of multiple local and national planning policies and the strategic policy direction of the current national government and other main political party election manifestos.

3.1 North Herts Local Plan

Similar to the previous application, the applicant has again attempted to use ETC7 in North Herts Local Plan to argue for closure of The White Horse as a full service pub and likely complete loss of any public house use on the site. Although ETC7 is now fully adopted policy, it still does not apply in this case.

As argued by KPC in relation to the previous application, (an argument with which our campaign agrees), the two Kimpton pubs have historically had very different, complementary offers, so cannot therefore be considered “similar businesses”. The Boot is essentially a sports bar with accommodation which serves its chosen market well. By contrast, The White Horse was and would be, a full service traditional country pub serving real ales, quality food with a different ambience to complement The Boot and address a particular need expressed by the community. Paragraph a.) of ETC7 is

therefore not applicable. The Campaign For Real Ale (CAMRA) [appeals digest on page 18](#) shows 17 other cases where applicants have attempted to use the argument put forward by the applicant that it is acceptable to close a pub if there is another nearby, each of which was rejected by planning officers and rejection confirmed on appeal.

As the current application would again likely lead to loss of any public house use on the site, as was the opinion of planning officers for the previous substantially similar application, the same conclusion must be reached this time. Loss of any public house use on the site would make the area entirely residential and thereby completely change the function and character of the area. The likely loss of any public use on the site would therefore contravene Paragraph b.) of policy ETC7.

North Herts local plan recognises the temptation of owners to seek to secure the substantial financial gains from uplift in property value through Change of Use to residential. It is clear that this is the continued intent of the current owner of the White Horse and is confirmed by the absence of sound insulation between the ‘micropub’ and residential part of the property on both this application and the previous application. ETC7 seeks to protect facilities subject to this threat such as The White Horse. i.e.

Para 5.34. “... given the high value of residential land in the rural area, there is often pressure from landowners to change the use of, or redevelop, existing facilities for residential purposes. This may be the case even where the business is thriving, if the return on an existing use is less than can be gained from residential development.”

Para 5.35 “These facilities should be protected wherever possible and the policy seeks to prevent their loss. However, where it can be shown such facilities are no longer needed and not viable, then permission may be granted for a change of use.”

Contrary to ETC7 and particularly Para 5.35, with the sustained high level of objection to both previous and current applications for change of use to residential with a token, likely unviable ‘micropub’, the community have shown a sustained strong desire to restore The White Horse as a full service traditional country pub. Many other objections to this application make clear that a ‘micropub’ is not what the village requires.

The SOWH campaign objectives are first to protect the historic building and then restore it to its former use as a full service traditional country pub, not a ‘micropub’. The strong public support for these objectives has been further demonstrated by the many public objections and the highly successful regular pop-up pub events promoted by the Save Our White Horse (SOWH) campaign. The application has therefore not demonstrated that The White Horse is “no longer required to meet the needs of the community”. The application has also not shown that The White Horse as a full service traditional country pub would be unviable.

Rejection of the application would be fully in accordance with the following NHC Local Plan policies and would retain the opportunity for a full service traditional country pub in the village that the community has expressed a requirement for:

- **ENV2:** “Protect and enhance the historic character of North Hertfordshire’s towns, villages...etc”
- **ENV3:** “Protect, maintain and enhance the District’s historic and natural environment, its cultural assets...etc”
- **ECON1:** “Support a vibrant, diverse and competitive local economy...etc”
- **ECON4:** “Maintain and enhance the vitality and viability of our town, neighbourhood and village centres, as well as strengthening the retail roles of our town centres...etc”
- **ECON5:** “Support and enhance local businesses, services and facilities in urban and rural areas through tourism...etc”

The latest North Herts Local Plan anticipates continued population growth in Kimpton and surrounding villages from the 2011 baseline. The plan shows Kimpton having 71 new homes permitted (including the 15 recently approved under planning application reference 22/02675/FP), 412 homes in nearby Codicote, 27 in Kings Walden and 107 in St Ippolyts.

St Albans District Council have just approved 550 new homes close to Kimpton under application reference 5/2023/0327 and another 750 are under consultation by that council around Katherine Warington School, even closer to Kimpton.

This significant planned growth in the population of our own and surrounding local communities will need to be served by more community facilities, including pubs, so it would be against the community interest to allow an ACV such as The White Horse to be lost by granting this application.

3.2 National Planning Policy Framework

Rejection of the application and thereby enabling return of a full service traditional country pub to meet clearly expressed community needs, would be fully in accordance with the following National Planning Policy Framework requirements.

Section 6: Building a Strong, Competitive Economy

Para 85

“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”

The application would constrain economic growth through reduced or likely no commercial use of the property.

Para 88

Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings;

c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

The application does not support sustainable growth, enable sustainable tourism, respect the character of the countryside or retain accessible local services and community facilities.

Para 89

The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

The application would lead to loss of community use of the developed site.

Section 8: Promoting healthy and safe communities

Para 96

Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages*

The application would reduce social interaction and opportunities for meetings between people.

Para 98

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, **public houses** and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- 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.*

The application would not comply with any of these requirements

3.3 Dilapidation

The application demonstrates that the current owner of The White Horse has allowed unabated dilapidation to occur to the Listed Building since taking ownership in 2017.

The SOWH campaign commissioned its own professional structural survey in 2016 in support of a fully funded bid to acquire the pub for the community at a fair market price when it was last offered for sale. This showed a property in a condition which, although showing some signs of neglect since closure in 2014, was capable of commencing trading shortly after some initial refurbishment and repair.

The applicants own condition report submitted as part of their 2021 application and confirmed by our internal and external inspections in late 2021 and early 2022, revealed that little or no maintenance or refurbishment had been carried out since 2017 and that the repair and refurbishment scope had consequently increased.

The applicants latest updated condition report shows that the building has been allowed to deteriorate even further since 2021 with growing actual structural damage- and of particular concern – the applicant highlights growing safety risk to the public.

Lack of maintenance is also in breach of the owners mortgage charge on the property held by NatWest Bank which requires the owner to “keep the Property in good condition”. This further demonstrates the wilful disregard by the current owner of the responsibilities of owning a Historic Listed Building and ACV.

This evidence demonstrates a pattern of continued neglect of and consequent damage to a Listed Building and ACV by the current owner. Under **Section 209 of the National**

Planning Policy framework, the impact of this deliberate neglect cannot be taken in to account when reaching a decision on the application.

Permitting this dilapidation to continue unabated would be in contravention of North Herts Local Plan policy **ENV3** to *“Protect, maintain and enhance the District’s historic and natural environment, its cultural assets...etc”*

It is clear from the application that this Listed Building and ACV requires immediate action to protect it from further dilapidation and ensure repairs are urgently carried out, at the owners cost, to reverse the structural damage that the owner has already allowed to occur, prevent any future damage and remove the growing safety risk to the public now highlighted by the applicant.

KPC wrote to NHC on 24th February 2022 in support of enforcement action under The Listed Buildings Act to compel the owner to address the dilapidation including a proposed detailed scope of work to be included in such enforcement based on the applicants own building condition report from 2021. This appears to have had no effect.

Therefore, regardless of the final decision on this application, North Herts Council must now immediately issue appropriate enforcement notices on the owner under The Listed Buildings Act to protect the historic building from further damage and under Section 215 of the Town and Country Planning Act to address the impact on the amenity and public safety of the Conservation Area.

If NHC planning officers consider recommending approval despite the many adverse impacts of the poor design, the many policy non-conformances and the strong wishes of the community, completion of appropriate works specified in appropriate enforcement notices within a specified timescale must be a binding pre-condition of any approval.

The ongoing assessment of the application by Planning Officers to reach a decision on the current application and the potential for appeal when it is rejected, would not be valid reasons to delay enforcement action to ensure protection of the Listed Building.

Under the current planning use class for the pub, any residential or office use of the property is ancillary to the public house use. As the public house has not traded since 2014 it cannot therefore be legally occupied. Occupation status cannot therefore be used as a reason to prevent issue of an Urgent Works notice under the Listed Buildings Act.

3.4 Current Government Strategic Policy Direction

In the wake of the public outcry at the dramatic destruction of the historic Crooked House pub in South Staffordshire in 2023, the current government has a stated policy intention to strengthen legal protection for community assets including historic pubs.

The manifestos of all the main political parties at the last general election showed similar intent across party lines. The ongoing unabated dilapidation of The White Horse is steadily leading to the same tragic outcome, albeit in this case in subtle slow motion compared to the dramatic arson and immediate wilful demolition of The Crooked House.

Section 4 of the current Government 'English Devolution White paper' currently states:

*"The loss of shared community forums, places and institutions – whether it be local news outlets, community cafes, youth clubs, **pubs**, historic buildings, libraries or sport facilities – has eroded a sense of local civic pride and contributed to a feeling of decline in neighbourhoods and high streets. **The government will therefore deliver on its manifesto commitment to replace the community 'Right to Bid' with a strengthened 'Right to Buy' Assets of Community Value.** creating a more robust pathway to community asset ownership. We will support community ownership by funding projects through the Community Ownership Fund in 2024/25, allowing communities across the country to purchase cherished assets that are at risk of being lost."*

A decision that does not secure the future of The White Horse as a viable full service traditional country pub would therefore be against the national cross party political consensus and the current Governments stated policy direction.

4. Viability

Contrary to the applicants Planning Statement summary section 5.23 that the applicants view of alleged non-viability of a traditional pub on the site is 'not considered to be in dispute', this assertion is both incorrect and somewhat disingenuous. The applicants planning statement in the previous submission 21/01018/FP did not question the viability of the pub in its most recent use as a full service traditional country pub so there was no reason for the planning officer to address this matter in consideration of the last application.

The previous and current application have not demonstrated that the proposed small 'micro-pub' would be viable or that the restoration of the previously successful full service traditional country pub offer when the pub was last under the management of a competent operator, would be unviable.

The consultants Viability Test report in the current application is largely anecdotal, qualitative, subjective and based on unsubstantiated information. It is clearly biased in favour of the obvious intent to secure lucrative unconstrained residential use by the owner who commissioned the report. The consultant has not used any recognised objective quantitative methodology or rigorous business planning process to reach their flawed conclusions which, unsurprisingly, support their clients wish for unconstrained

residential use. Indeed, the consultants own website shows that their core business is as an estate agent marketing property development opportunities including pubs, particularly closed pubs, for alternative use and maximising their value. **The consultants Viability Test report must therefore carry no weight in determination of the application.**

The application's Planning Statement challenges the planning officers right to consider viability of the 'micropub' in reaching a decision. In this case where failure of the 'micropub' could result in loss of all public house usage on the site and consequent loss of an ACV, it is up to the planning officers to decide what level of weight, if any, is assigned to forecasts of viability, albeit not using the deeply flawed, subjective and biased methodology used by the applicant.

Whilst viability assessment and business planning forecasts may have some value, they are by nature predictive and open to wide interpretation depending on personal biases. In the absence of actual recent historic trading figures for a business, a more reliable and objective view of viability can be attained by considering the trading history of similarly structured businesses operating in similar trading environments.

The vast majority of recent pub closures have occurred under the large pub chain business model with their high profit aspirations, high overheads and tied tenant model constraining the ability of businesses, particularly rural pubs, to invest, manage costs and otherwise adapt to the changing economic and market environment. The large pub/ brewery chain model clearly does not work in rural environments.

There is extensive strong evidence however, that alternative, more community focussed pub ownership and management models, independent of the constraints and ties of the large pub and brewery chains, have consistently been bucking the broader trend of pub closures.

In the North Herts Council area alone, The Plough at Ley Green, Rose & Crown at Aston, The Windmill at Charlton and The Railway in Knebworth have all recently been returned to serve their communities as sustainable independent businesses through the strong campaigning and support of their local communities. In all four cases, change of use planning applications were either rejected by NHC or in the case of The Plough, the large pub chain applicant, Admiral Taverns, withdrew their application in 2024 in the face of overwhelming local opposition from the local community and the Member of Parliament for our constituency.

Plunkett UK, an independent charity that supports rural community businesses, reports in its most recent "Better Form of Business review", that rural community businesses including a growing number of approaching 200 rural community owned pubs as having a 99% five year survival rate and 95% twenty year survival rate. Plunkett UK 2024 Impact Report also shows a sector growth rate of 8.2%. This is in stark contrast to the high

failure rates of the large brewery and pub chain pubs that dominate both the media headlines and the applicants submission.

This clearly shows that given the opportunity, despite what property speculators flawed and biased viability assessments might predict, committed independent community focussed owners have shown that they can deliver much more sustainable and well supported rural village pubs than the large pub/ brewery chains.

The applicant's Viability Test report cites constrained on site parking as having an impact on viability of a full service traditional country pub. With off street public parking available at Parkfield recreation ground within a pleasant 200 metres walk to the pub, the consultants assertion that it cannot serve as a "destination" pub is fundamentally flawed. Indeed, parking is somewhat more convenient at The White Horse than many successful town centre and village "destination" pubs. It is notable that many objections to the application highlight a desire not to have to drive to enjoy the services of a full service traditional country pub.

The owner's proposal to remove all public parking from the site would be discriminatory and deny Blue Badge holders with disabilities the current convenient on site vehicle access to the ACV.

The consultant's Viability Test report rather disparagingly suggests that the village has nothing to attract visitors for leisure activities but then goes on to contradict itself by stating that the area is very popular with cyclists. The area is indeed very popular with cyclists, particularly from nearby North London, who represent a proven affluent demographic for a competent operator to target. However, with the current proposed design allocating only five spaces for bike parking directly in front of the proposed residential part of the property and complete loss of the rear trading area, the current proposal does not provide adequate space for bike storage to make it attractive to this growing and lucrative market.

The applicant's viability report in section 3.1.2 attempts to use floor space as a proxy for viability. This approach is deeply flawed as it suggests trading space would increase but ignores the complete loss of extensive outdoor trading space and the adverse impact of the disjointed and inefficient two floor layout of the 'micropub' proposal. Outdoor trading space has proven more desirable to pub goers since the pandemic. Indeed, the report further contradicts itself in section 3.8 by stating that it is "reducing the trading space to an appropriate size". It is clear therefore that even the applicant is aware that the proposal would reduce trading space thus adversely impacting the viability of any pub use on the site and particularly the 'micropub'.

It is illogical of the applicant to assert that a wet led "micropub", that the community has strongly stated it does **not** want, with allegedly similar indoor trading space to the

current pub would be more likely to be viable than return of the full service traditional country pub with outdoor trading space, that the community clearly **does** want and was proven to be successful in the past under competent management.

The property offers other more cost effective opportunities to extend ground floor trading space and make more efficient use of the existing overall space to enhance viability without compromising the upstairs residential accommodation or impacting the historic fabric of the Listed Building. This was the basis of the SOWH campaign's original plans in 2016 when the pub was last offered for sale. Unlike the applicant's current proposal, such a plan would not cause harm to the Listed Building nor result in the adverse impact on its setting or surrounding properties in the conservation area.

Contrary to the assertion in the viability report, the owner has not "endeavoured to protect the building during his ownership" and the current dilapidation has occurred almost entirely on his watch. The applicant's claimed repair estimate of £750k is unsubstantiated and considerably exceeds the SOWH campaign's estimates by competent local builders in 2022. Nonetheless, any costs for dilapidation must remain solely to the account of the current owner.

The rectification of ongoing dilapidation, if not addressed by the owner, will impact the market price for the asset in the event that the pub is brought to market. It would appear to follow therefore, that the owner is gambling on approval of the planning application to allow demolition of the bulk of the dilapidated structure, thereby avoiding the growing cost of repair. And in the process, allowing the unabated dilapidation to present a growing hurdle to anyone else wishing to protect the listed building and return it to its former use as a full service traditional country pub. Strategies such as these, which threaten the future of a historic listed building and Asset of Community value in the Conservation Area of our village must not be allowed to succeed.

The second sentence of Section 3.8 of the applicants 'Public House Viability Test' report provides strong evidence of the owner's underlying strategy and intent to avoid responsibility for the unabated dilapidation of the Listed Building under his watch. It highlights the intent to use the substantial increase in property value from a potential residential use approval to fund the proposed large residential extension and repair of what little would remain of the Listed Building. i.e.

- *"The applicant is taking a large and badly dilapidated building..."* avoidable dilapidation that was allowed under nearly 8 years of the owner's watch.
- *"...reducing the trading area..."* making it less viable to eventually secure profit from potential unconstrained residential use
- *"...through residential conversion of the remainder of the building providing the financial viability to repair the structure..."* bringing in to question the owners ability to otherwise fund any restoration.

There would be considerable potential financial upside for the owner from the increased residential value, secured at the expense of the community, in allowing the 'micropub' to fail. Indeed, as the owner alone would set the terms that might be offered to potential tenants or through deliberate mismanagement of the operation of the 'micropub' on the owners part, the owner has the ability to bring about such failure. As planning officers concluded on the previous application the likely failure of the 'micropub' would lead to complete loss of public house usage on the site and inevitable full residential conversion.

Thus, if NHC consider recommending approval despite the impact of the poor design, the many policy non-conformances and the strong wishes of the community, the owner must be incentivised to ensure the success of the 'micropub' by including a planning condition similar to that currently in place which **makes any residential or other use, including office use, ancillary to the operation of the 'micropub'.**

ENDS