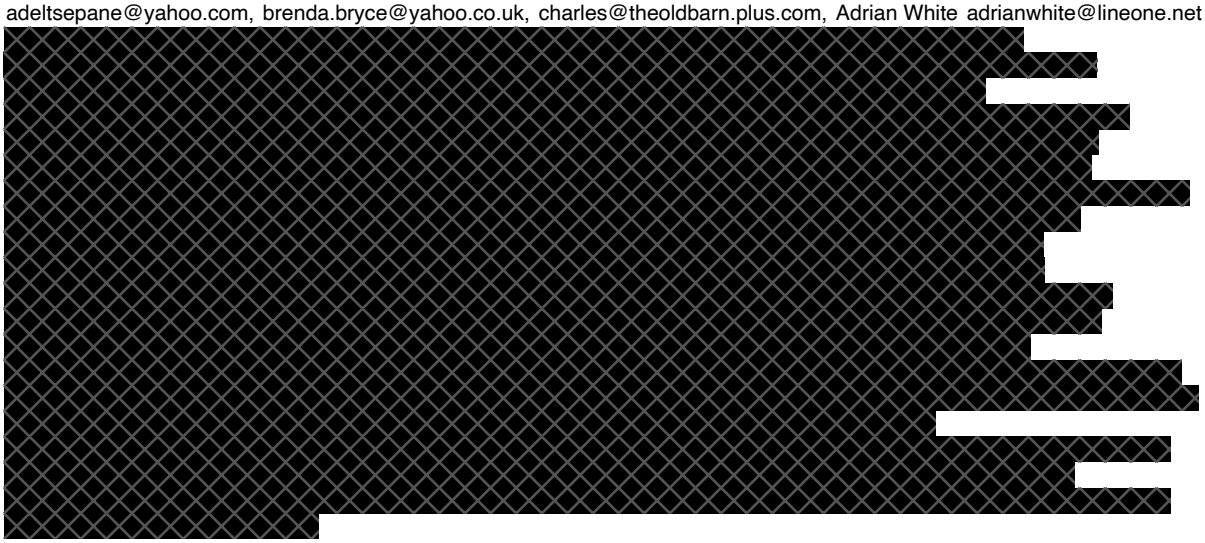
From: **Village Concerns** villageconcerns2016@gmail.com
Subject: Village Concerns Update 48 - Foresters
Date: 9 July 2018 at 13:49
To: Village Concerns villageconcerns2016@gmail.com
Bcc: adeltsepane@yahoo.com, brenda.bryce@yahoo.co.uk, charles@theoldbarn.plus.com, Adrian White adrianwhite@lineone.net



Harveys Brewery submitted a new planning application for the Foresters on 5 Mar 2018 although it is shown as being valid from 21 June 2018. This is essentially the same application as previously submitted and approved but now seeking Listed Building Consent as a result of the revised status of the Foresters as a Grade 2 Listed Building.

The Parish Council is holding an Emgergency General Meeting about the Foresters Application in the Village Hall at 7 pm on Thursday 12 July. Please come along and express your views in the 15 minutes at the start of the EGM when the public can ask questions and stay to listen to their deliberations. It is really important that they know how the community feel and that they do not approve this application.

Village Concerns objects to this application on several grounds:

The application does not mention 2 specific elements of the building that are specified in the Listing. These are the "bar shelving" and "Art Nouveau fireplace". The submitted plans show both are removed. This does not comply with the protection specified in the Listing and they should be forced to change the internal plans accordingly.

The windows proposed at the rear of the property are large pane French windows. These are inappropriate for a Listed period building and should conform to the design of the existing period features.

We believe that the original decision to approve the change of use application from a public house to housing was ill-judged. It did not establish that Harveys had made any attempt to market the pub for new tenants, for sale, or considered offers to purchase the property. The new Draft Local Plan proposes very strong protection for public houses in such situations. This protection already exists under the terms of the National Planning Policy Framework but was disregarded by the Planning Committee. Although the Draft Wealden Local Plan is only beginning its path towards adoption we believe that we should appeal to Wealden to reconsider their original decision based on this emerging Local Plan.

The application misrepresents the situation leading to the original planning decision and fails to mention that the Council Enforcement Officers had to force Harveys to cease work only after they had removed the Listed "bar shelving".

Please visit the Council Website at planning.wealden.gov.uk and lodge your objection to to WD/2018/0543/LB. The deadline for online submissions is 3 August.

The Keep The Foresters Open group is being restarted and Michael Evans will be circulating information regarding this campaign. Please consider joining this group to get involved with fighting to regain the Foresters.
Email michaelevans@msn.com to get added to the list.

If you want to be more fulsome in your objections, here are some additional things contained in the application that might offend you and that you might consider worthy of comment:

Application Form

The Application Form states that although a previous application has been submitted and approved, that no work has started. This is wrong and is why a Stop Order was imposed on Harveys because they removed the bar shelving that was specified in the Listing Building status. The application makes no mention of this breach of the Listed Building requirements or that they were forced to stop work.

The Application Form states that they have carried out extensive community consultation. We are not aware of any consultation and believe that they should be made to prove their claim.

Plans

The proposed changes to the Side (South West) elevation are shown as single panel french windows and a window replacing a panelled door. Single panel windows are inappropriate for this property and it should conform to the period styles of either the leaded lights of the front bay windows or small multi pane windows of the Georgian/Victorian period.

The proposed changes to the Rear (North West) elevation. This elevation already contains modern windows but the replacement of some of these (principally to provide a double and triple french window) to provide larger openings should conform to the existing styles of either the leaded lights of the front bay windows or small multi pane windows of the Georgian/Victorian period. If it is intended to replace the remainder of the modern windows as part of the works then it

should be requested that they are also replaced in a more appropriate style.

The proposed floor plan shows a cooker in the site of the existing Art Nouveau style fireplace. This fireplace and its surround are specifically detailed in the Listing Notice as of Architectural Interest. They should not be removed and must be incorporated into the design of the new layout. The protected fireplace should be clearly shown any any future plans.

The proposed floor plan does not show the existing "repositioned bar back shelving". This shelving and its surround are specifically detailed in the Listing Notice as of Architectural Interest. They should not be removed and must be incorporated into the design of the new layout. The builders employed by Harveys have already removed this shelving despite the Listing Notice being in place. It should be reinstated in the position it was in when the building was Listed. Any damage should be repaired under the guidance of the Conservation Department. The protected shelving should be clearly shown any any future plans.

Design and Access Statement

The Design and Access statement by DJA Planning contains several areas of concern. In Paragraphs 1.3 to 1.5 it completely misrepresents the sequence of events prior to the original application going to the Planning Committee.

> There was no indication when the pub closed that Harveys were planning to apply for a change of use. If the Brewery had decided not to continue to run the pub themselves it would have been at the very least courteous to have some dialogue with the community and put the premises for sale on the open market as a pub. They did not do this and ignored all pleas for them to reconsider this

all pleas for them to reconsider this.

The DJA statement at Paragraph 1.5 states that in late September, local residents had organised themselves into a group seeking to stop the conversion of the pub. This statement contains many errors and indicates the contempt with which Harveys dealt with this community.

The Parish Council agreed to submit an application for ACV status on 26 Jun 2017.

Members of the Keep The Foresters Open group contacted Harveys during the Summer but the group was only formalised in early September. When Harveys did respond, they were dismissive and not open to any form of negotiation. They failed to respond to most of the attempts to contact them.

The Keep The Foresters Open group had secured a syndicate of members who were willing to put up the capital to purchase the pub and run it themselves with a sell back clause to Harveys. Harveys failed to respond to this offer. This offer was tabled at the Planning Meeting but the committee seemed to think it was irrelevant.

The DJA statement fails to mention that at the Planning Meeting the planning officers repeatedly stated that the application for Listed Building status had no bearing on the decision. Fortunately for us Historic England have a better handle on how to deal with important buildings of architectural importance and community value. Clearly the Planning officers at Wealden were wrong, the Conservation Officer at Wealden was wrong. We believe that the Planning Committee should have been directed to defer their decision until Historic England had made their decision.

The DJA statement also fails to mention that the decision was only made by the chair of the committee using her casting vote. This decision was made in the face of a large amount of community objection, a lack of any attempt to market the property as a pub, the failure of Harveys to negotiate to sell the pub to a willing syndicate and with a decision pending from Historic England. We believe that there was no urgency for this decision to be made and that the chair should have deferred the application.

Wealden's 2018 Draft Local Plan includes the following:

Policy RAS 7

Protecting individual and village shops and public houses

Where planning permission is required, development which involves the loss of individual shops, public houses and other commercial buildings used by the community, will only be supported where it can be demonstrated that there is no reasonable prospect of a continued use. Proposals must be supported by either:

a) Evidence of a comprehensive and sustained marketing campaign via related trade organisations, which clearly indicates a lack of demand for the existing use (or as an alternative commercial or community facility, where appropriate), based on marketing, normally at a minimum of 24 months, that offers the land or unit/s for sale as a going concern, or rental, at a realistic valuation of the site/premises and a realistic tenancy for that use and no reasonable offers have been refused;*

or

b) Clear evidence that demonstrates that the unit is not financially viable.
Proposals should not result in the loss of facilities or features which may undermine the viability of its use, including, but not limited to, car parks, gardens and function rooms.
If permission is granted for a change of use or redevelopment, preference will be given to premises remaining in some form of community or employment use so long as this does not result in traffic, amenity, environmental or conservation problems.

- *The Council reserves the right to seek independent advice to test the veracity of any marketing exercise.*

Most of this policy in contained in various paragraphs of the existing National Planning Policy Framework although the proposed Wealden Policy is even more rigorous in its protection of pubs. Wealden clearly did not follow this policy when granting the change of use last year and should take this opportunity to live up to their fine words now. We should demand that they overturn the previous planning application and implement Policy RAS 7 and make Harveys put the property on the open market for 24 months.

Paragraph 2.7 of the DJA statement slips in a mention that "much of the bar and kitchen equipment and pub furniture was removed from the property … shortly after planning permission was granted but before the building was Listed". This is not true. Work began a few days before the first skip appeared on site on 25 Jan 2017. Thus, not shortly after the permission was granted on 12 Oct 2017. The property was listed on 26 Jan 2017 (these are dates that DJA seem not to have deemed it worthy to mention). Harveys would have been aware that they would now need Listed Building Consent and should have ceased all work

immediately. However, they chose to press on and remove as much as possible including the Listed "bar shelving". DJA also fail to mention that Village Concerns requested that Planning Enforcement stop any further work being done on 30 Jan 2017. Wealden eventually began an investigation into Alleged Unauthorised Work to a Listed Building on 6 Feb 2017 under reference C/2018/0048. Village Concerns is still seeking a proper response to this investigation.

Paragraph 3.3 conflates several sources and claims that they all identify the same details of the building in respect of its Heritage status. The Consultation Report of 14 Dec 2017 does not appear in the documents submitted with this application and should therefore be disregarded or produced. It then mentions an unreferenced Heritage Statement which is therefore meaningless. What is clear is that the Listing specifies internal elements of the building that are now protected and which do have a bearing on the plans submitted.

Paragraph 3.4 proudly states that the Council's Senior Conservation Officer was fully involved in supporting the initial application. However, she clearly did not identify the importance of the "bar shelving" and "Art Nouveau fireplace". Historic England have Listed the building and stipulated that specific internal features must be retained. Wealden's Senior Conservation Officer (by her agreement with the approved application) was happy that they be removed.

Paragraph 3.9 does not correlate to our recording of the Planning Meeting. The Senior Planning Officer made it repeatedly clear to the committee that the application to Historic England should have no bearing on the application and it should not therefore influence their decision. We do not believe he was correct to second guess the work of Historic England and that he sought to overly influence the committee. He should have proposed a deferral until Historic England had made their decision. He

deferral until Historic England had made their decision. He would then have been able to see what was Listed and then recommended changes to the application accordingly.

Paragraph 3.10 is wrong. Harveys did not stop work when it was confirmed that the building had been Listed on 26 Jan, they only did so after Enforcement Investigation was started on 8 Feb.

Paragraph 3.12 is disingenuous. The new windows proposed are not in existing openings they are in considerably enlarged existing opening. Also as previously discussed the single pane nature of the proposed windows in not in keeping with a Listed period property.

Paragraph 4.1 The application places great importance on the intention to revert the building to its original layout. However, the building has spent more of its life as pub than as 2 cottages so this argument is somewhat spurious. The property's primary importance is as a pub that evolved out of 2 cottages, not the cottages that came before the pub. The main part of the building was probably built around 1800 but the first unambiguous date for the building is 1841 when it was 2 adjoined cottages. In the 1861 Census it is being run as a Beer House under the name of the Jolly Sailor by Walter Wickerson. On 20 Jun1908 the Sussex Express reported on the County Licencing Committee that heard evidence that the current landlord had run the pub as the Foresters for the last 10 years and testimony from many villagers that the Foresters had been a pub for the previous 60 years. This would take the earliest operation of the premises as a pub back to the 1840s. Although the 1839 Tithe Map Apportionment does not record the property as a pub the occupant is shown as Walter Wickerson. Thus, the building has probably been a pub for 179 of the past 218 years.

Heritage Statement

The detailed Heritage Statement prepared by Maggie Henderson dated 2018 does not mention in Section 10.5 that 2 of the elements specifically mentioned in the Heritage England Listing, namely, the "Art Nouveau fireplace" and the "bar shelving". It does mention in Section 5.2 “The description must not be treated as a comprehensive schedule of those elements which are legally protected as no matter what grade, the legislative cover not only relates to both the interior and exterior, but also extends to any building or structure within the curtilage which predates the 1st of July 1948.” I wholeheartedly support this - the Listing covers everything - so for an Architectural Historian to fail to even mention something specifically identified in the Listing is very alarming.

We are concerned that Maggie Henderson’s report seems happy with modern single pane windows already approved for the North elevations. This is inappropriate for a 200 year old listed building and it is concerning that an architectural historian considers that this is appropriate.