

# Horseshoe Inn Companions

## response to the 2009 planning application

### P1505/09/COU

#### 1. summary

This planning application is to change the use of the Horseshoe Inn from a public house to a private house. There is also an application to use the house for bed and breakfast, but that is a secondary matter.

##### **What is Council policy?**

It is the Council's policy to retain community facilities (such as pubs) if they are viable or can be made so. See Section 6.

##### **Is the Horseshoe Inn viable?**

The present owners (the Tweedales) bought the Horseshoe eight years ago; it was viable at the time. It was not making much money as the then owners had been trying to sell it for about 18 months. They hadn't been able to sell it as they were asking for too much money.

The Tweedales claim the Horseshoe is not viable. However, they state that they have received an offer from an ex-publican who wants to buy the Horseshoe to run it as a pub. The offer is a good price for the pub.

Further, among the letters to the Council are three from people who state they would buy the Horseshoe at a fair price to run it as a pub. Two are from people who have run pubs. That's three offers for the Horseshoe, and it is not even on the market. See Section 3 for more detail.

Surely this shows that the Horseshoe is "viable or can be made so". On these grounds alone, the application should be rejected.

##### **Does the Horseshoe Inn have local support?**

There is solid support from the local community and the wider public.

The local community were angered when the Tweedales bought the pub and immediately closed it. A viable, valuable community asset was summarily removed.

This support is shown in the 100+ letters from individuals: letters in their own hand, in their own words, from people who after eight years want the Horseshoe to re-open. Councillors should read these letters and they will be in no doubt that the local community wants its pub back.

The Tweedales have sought to counter this massive support by mounting their own letter writing campaign by friends and relations. Many of their letters are of similar format, and almost identical paragraphs often re-appear. But, these two sets of letters can't really be compared: on the one hand, we have the local community showing its support for the pub; on the other hand we have the Tweedales' friends and relations showing their support for private interest - hardly comparable.

##### **Is the Horseshoe Inn's pub business "lost"?**

The Tweedales claim that as the Horseshoe has not traded as a pub for eight years "the business is lost". What nonsense. If it were public policy to allow this, we should have no country pubs left. It would be open for speculators to buy country pubs, close them for a few years, and then make a handsome capital gain. Their gain would be the community's loss.

On the contrary: if the Tweedales don't want to run a pub business, they should sell the Horseshoe to someone who does.

### **Would a bed and breakfast use be a fair swap for the pub?**

The Tweedales have sought permission to use the Horseshoe as a b&b. We are very sceptical as to their real intentions in this respect. (See Section 4.)

It is entirely plausible that the neighbourhood needs more b&b accommodation. However, there are hundreds of properties which could be turned to this use; there are few which are currently pubs. For the community, this would be a very poor exchange: we would lose a local pub, and gain a few extra beds for tourists. That would be a raw deal for the community.

### **Conclusion**

We believe the conclusion is clear and simple. This planning application is contrary to Council policy. The Horseshoe is viable as shown by the number of people who state they would buy it to run it as a pub. There is massive local support still, and this is not affected by the number of letters from the Tweedales' friends and relations. To claim that the Horseshoe pub business is "lost" is pure nonsense. The b&b application is probably a red herring, and in any case would be a trivial gain for a great loss.

For these reasons at least, we ask the Council to reject this application. If the Tweedales don't want to run a pub, they should sell the Horseshoe to someone who does.

## **2. background and history**

The Horseshoe Inn has been a public house, serving the community, for at least 200 years. Times change and the nature of the Horseshoe Inn and its role in the community needs to change too. But, the community still needs the Horseshoe, and it has a viable future (in the hands of the right owner). Unfortunately, it is currently in the hands of the wrong owner who is seeking to deprive the local community of what is a long-standing, community asset.

The Tweedales (the current owners) bought the Horseshoe in 2001. It had been on the market for about 18 months. The previous owners had not run it well, and were faced with a dilemma: as a pub it was worth about £150,000; as a private house it was worth about £250,000. They could easily have sold it for what it was worth as a pub (they had offers well in excess of £150,000). The pub was being offered in a free market; that they could not sell it was simply because they were asking too high a price.

Eventually, they found a purchaser (the Tweedales) willing to speculate: they would pay about £210,000 and try and get planning permission for change of use to a private house. Success would bring a quick gain of about £40,000. Sadly, their gain would mean the loss to the community of their pub. The community objected and the Horseshoe Inn Companions was formed.

There have been several planning applications by the Tweedales to obtain change of use. All have been strongly opposed by the community. All of these applications have been accompanied by a change of use to b&b. The change of use to b&b is almost certainly a distraction: the main aim is to remove the planning restriction attached to its being a pub. With that restriction removed, the property is immediately worth about £200,000 more. Unfortunately, it comes at a cost: the community loses its pub. We believe the b&b is there as a sweetener; if the Tweedales had wanted a b&b in the first place, why didn't they buy somewhere suitable?

In 2005, the Tweedales were progressively encroaching on the public parts of the Horseshoe, and the Council sought to bring matters to a head. They issued an enforcement notice to the Tweedales: either run the Horseshoe as a pub or sell it to someone who would. The Tweedales appealed; there was a 3-day planning enquiry; their appeal was upheld. However, it was made clear that there was to be no further encroachment into the public areas – such would require planning permission.

The Tweedales have cost the Council a small fortune in planning applications and enquiries. It is, of course, the right of any individual to improve his property. However, this attempted attrition by the Tweedales is becoming rather unsavoury. It is clear that what they want to do is greatly at odds with public policy, and we much regret that they continue to waste public funds in this way. We suggest that the Council tell them very clearly that what they are seeking is unacceptable so that the Tweedales may put an end to this irresponsible waste of public money.

### 3. viability of the Horseshoe Inn as a pub

The Tweedales' prime argument has been that the Horseshoe is not viable as a pub. They have gone to great lengths (with maps, charts, comparisons) to show that the Horseshoe is not viable. We could argue in detail about many of the points claimed by the Tweedales but that is to miss the main point. In the hands of a good landlord, the Horseshoe would be viable. There are several people right now (most with business experience as a landlord) prepared to hand over cash in excess of the fair market price (see Section 5) to buy the pub. They believe the Horseshoe is viable; they should be allowed to try.

The Horseshoe is currently a pub; the community wants it to keep it as a pub; there are people wanting to buy it; it should be allowed to continue as a pub. Let the market decide.

We don't know what sort of business model these prospective landlords have in mind. However, with minor updating the Horseshoe could be viable as a "life style" pub. As such, it could be run by an owner who lived in, who had retired from their previous career and wanted an active retirement with plenty of social interaction, and who valued pleasant neighbours and an idyllic location. If you've visited the Horseshoe, you'll know what a pleasant location this is. This is a viable option: indeed, it is this model that at least one of the prospective landlords has in mind.

The Tweedales claim to have "prepared business plans [which] show that the most sensible business model is to rely heavily on food sales and diversify to offer accommodation". They then go on to show that this is not viable. There are several points to note here. First, we do not believe that the Tweedales have any business experience worth mentioning, and certainly none in the pub trade. Second, showing that your selected business plan is not viable does not prove that no business plan is viable. Third, if you don't really want to run a business anyway, you are unlikely to come up with a viable business plan. That is why all the Tweedales' pages about non-viability come to the wrong conclusion; the Tweedales don't want to run a pub; they shouldn't have bought one in the first place.

This is the key point in this planning decision: should the Horseshoe Inn remain a pub? Council policy is to retain community facilities such as pubs where they are viable or could be. Notwithstanding the Tweedales' "proof" to the contrary, the Horseshoe Inn is viable with the right landlord: there are people with pub experience who are prepared to buy it. If that's not a test of viability, what is? For this simple reason, this planning application should be rejected.

### 4. viability as a b&b

The Tweedales' submission makes great play of the need for b&b, and how they will address all the problems which could arise. The first question to ask is why the Tweedales want to run a b&b. If they originally wanted to, why did they not buy a property which lent itself to such a business? Most likely the actuality is that they don't want to run a b&b; this is simply a ruse to get change of use. If they got change of use, there would be little the Council could do to make them run a b&b.

It is reported that Mr Tweedale is on a six-figure salary as a civil servant. It is barely credible that he should need to supplement his income by letting rooms.

### 5. offers for the Horseshoe

There are people right now waiting to buy the Horseshoe. It is not on the market, yet the Tweedales have had offers which they have rejected. Were it properly marketed, there would certainly be more. It could undoubtedly be sold for more than its 'fair market price'. (By 'fair market price' we mean the price at which it would be valued by a valuer as a pub having regard to its position, state, and trading record.)

The Tweedales state (para 69 of their submission) that an offer at £350,000 was made in 2007. This is considerably more than one would expect such a pub to make. This offer was from Mr Rex Barron who has stated in a letter to the Council that he still wishes to buy the Horseshoe.

Mr Tim Powell would be prepared to offer above the fair market price were the pub to go on the market and has written to the Council to this effect. He has made offers to the Tweedales in the past.

Mr John Griffiths, the landlord of the Beauchamp Arms in Dymock, has written to the Council stating that he would be prepared to buy the Horseshoe and run it as a pub.

There is no shortage of potential purchasers. These are businessmen who can recognise viability when they see it. The Tweedales should sell and move on.

## 6. FoDDC Policy

The Council's policy on the retention of pubs is addressed by the following:

### **12 Retention of community facilities (Strategic objective: to promote thriving sustainable communities)**

Development proposals which involve the loss of community facilities, including schools, shops, post offices, public houses, halls, places of worship, health services, unless an alternative suitable and convenient facility is available or will be made available as part of the proposal. Exceptions will only apply where it can be demonstrated that in the case of commercially provided services the facilities concerned are no longer viable and cannot be made so and in the case of all others that there is no longer a need for other facilities.

Planning proposals which involve improvements to community facilities or services will be considered favourably but are still subject to other policies of the development plan.

### **Forest of Dean District Council - Core Strategy Working Draft 30th July 2009**

So, pubs should be retained unless they "are no longer viable and cannot be made so". The Horseshoe has people queuing up to buy it at prices well above the fair market value, so it cannot be said not to be viable.

## 7. detailed comments on the Tweedales' Design and Access Statement

As noted above, the Tweedales' general thesis that the Horseshoe is not viable as a pub is fatally flawed by the fact that there are currently at least three people prepared to pay at or over the market price to buy it as a pub. In their 20 pages (plus annexes) of submission, the Tweedales seek to show that the Horseshoe is not or cannot be viable. As noted above, their thesis is fatally flawed by the facts. In the following sections we address some more detailed matters.

### **7.1 para 21 - traffic**

The Tweedales state that "without a large material increase in motor vehicle traffic The Horseshoe could not become a viable pub business in the future". Currently, the Horseshoe is closed, so re-opening it will increase the amount of traffic to it. But, it is a pub and no permission is required to re-open it as a pub or for people to drive to it. There need not be "a large material increase in...traffic". The Tweedales' assertion is wrong.

### **7.2 paras 28-32 – FoBA**

The Tweedales go on at great length about the Friends of the Beauchamp Arms. It's not clear why. Are they suggesting that without FoBA the Beauchamps would have financial problems? Whether or not, such a suggestion is without foundation.

### **7.3 para 40 – water treatment**

The Horseshoe's site is about an acre. We are reliably informed that this is more than adequate to provide drainage for any likely development on the site. Further, even if the Environment Agency "would not support a large restaurant...due to lack of adequate drainage..." that does not in any sense preclude running it as a restaurant or a pub. This paragraph cites evidence for "a large restaurant/food offer" not being feasible. It fails to mention that a small or medium-sized or even the current restaurant would be feasible.

#### **7.4 para 44 – bus stops**

The Tweedales state that “there are no bus stops in Brooms Green”. Why? There is a bus stop on Route 679 opposite the Memorial Hall.

#### **7.5 para 54 – the lost business**

The Tweedales state that “there comes a point where the previous business is ‘lost’ and we believe this point has been reached”. The business is lost only in the sense that the Tweedales bought the Horseshoe, refused to open it as a pub, and refused to accept good offers for it. There is no sense in which the Horseshoe has become unviable as a pub. As we have stated before: there are people with ready money prepared to buy the Horseshoe at or in excess of its fair market value.

During the years that the Horseshoe has been closed, the Horseshoe Inn Companions have held “pub evenings” in the village hall. These had a pub-like format with a bar, bar food, games, a raffle, and sometimes entertainment. They were regularly supported by 60 to 80 people - local people who want to see the Horseshoe re-open.

The Tweedales may have lost the Horseshoe’s business, but the community does not want to lose its pub. The Tweedales should sell and move on.

#### **7.6 para 55 – viability**

The Tweedales state that “...it is beyond reasonable doubt that anyone could make a successful pub business at the Horseshoe, without expansion...”. The Tweedales are wrong; there are businessmen with experience of running pubs who are prepared to buy the Horseshoe. The Tweedales may not know how to do it (but what business experience do they have?) but there others who do and are prepared to spend cash to do it. Let the market decide.

#### **7.7 para 56 – “a small amount of support”**

The Tweedales state that “the Horseshoe has retained a small amount of...support”: this is false. The amount of support is large: witness the number of letters of support to the Council (in excess of 100). Even after 8 years and more the community wants its pub back.

There is a large number of people in the local community who do not want to lose the Horseshoe, and they have written in to the Council. The Tweedales have attempted to counter this clear support by a letter-writing campaign of their own using their friends and relations. But, are these sets of letters really comparable? On the one hand, we have letters written by pub supporters, of their own volition, mostly in their own hand, and in their own words: these are people who want the pub to re-open. On the other hand, we have letters many of similar typed format, mostly with common wording, mostly saying how valuable a new b&b would be and expressing support for the Tweedales’ application.

With respect, we suggest that most of the Tweedales’ letters of support are barely relevant to the case at issue: the number of letters merely reflects the circle of friends and acquaintances of the Tweedales (and Mr Tweedale’s mother, who lives in Ledbury). It’s an impressive exercise in paper consumption, but little more. On the one hand you have the Horseshoe supporters representing the local community; on the other hand, you have Tweedales’ friends and relations representing the Tweedales’ private interest.

#### **7.8 para 57 – HIC policy**

The Tweedales state that “the Horseshoe Inn Companions would like to see the pub returned to what it was in the 1950’s, 60’s, and 70’s...”. We are obliged to the Tweedales for stating our position. However, it would have been more helpful if their statement bore any relationship to the truth. What he states is simply false; he’s just made it up.

#### **7.9 paras 58-72 – “Is sale as a public house a viable option?”**

The Tweedales spend 12 paragraphs discussing this. Most of this is about when it was not sold in 2000 and 2001. The facts are simple: the previous owners were trying to sell it for too much money and could not reconcile themselves to accept the difference in its value as a pub compared to that as a private house. It was a free market: if they couldn’t sell, it was because they had the price wrong.

The Tweedales spend another three paragraphs saying why it can't sell as a pub now. But, they have had offers (even when it has not been on the market). If it were marketed it would sell easily, that's why there are at least three people waiting to buy it. How many would there be were it on the market?

## **8. Who are the Horseshoe Inn Companions – HIC?**

The Horseshoe Inn Companions is a group of about 10 people who are local to the Horseshoe. We crystallised the local community's wish to retain the Horseshoe Inn as a pub, and we continue because of the continuing solid support for the pub (see the many letters written to the Council).

For enquiries about HIC, see our web site [www.hicc.info](http://www.hicc.info) or write to HIC at The Cottage, Tillers Green, Dymock GL18 2AP.