

**Appendix A – To Reed Parish Council Extraordinary Meeting
Held on Wednesday 22nd July 2020**

**Reed Parish Council Response to 20/01349/FP and 20/01350/LBC
The Cabinet, Reed**

1. Reed Parish Council objects to both these related applications and urges that both be refused.
2. The effect of the applications would be to secure the change of use of the bulk of The Cabinet premises from its lawful A4, public house use to C3, domestic residential use. The change from A4 to C3 has previously been refused on appeal, on grounds well known to the Planning Authority. The subsequent application in 2019 for subdivision of the premises, with the retention of a small area for A4 use, was refused for 5 reasons which are rehearsed in the design and heritage statement presented in the current application.
3. Reed Parish Council believes the present application does not meet the substantive objections detailed in the refusal of the 2019 application, nor in the Inspector's appeal decision in 2018. In particular, the present application's proposal for physical linkage between the proposed C3 and A4 parts of the premises does not answer the concern flagged in the 2019 refusal decision about the future sustainability of this proposed arrangement with such flimsy separation of the domestic and commercial functions of the property. This calls into question the long term viability of the pub restaurant business with such a configuration.
4. The issue of viability - and thereby the preservation of the pub use which is an intrinsic part of the heritage value of the The Cabinet - must be at the heart of assessment of this subdivision application and a reason to refuse it. The size of kitchen proposed is too small to make the pub and food-offer commercially viable in the medium to long term. Reed Parish Council has made two offers to purchase The Cabinet, based on use of the existing trade area (the whole of the ground floor) for pub and restaurant use. The business plan the Council produced to convince the MHCLG to authorise borrowing was based on expert advice and demonstrated that The Cabinet was commercially viable based on utilisation of the *whole* trade area, which is the way it functioned successfully as a pub/restaurant in the past. Viability is a matter which was also investigated at exhaustive length in the Public Inquiry of November 2018 and contributed to the Inspector's decision (in dismissing the owner's appeal) that *at a true market value based on lawful use of the property ... there are reasonable circumstances in which the use as a public house would be viable*".
5. The present application is not designed to create the "reasonable circumstances"

for the A4 use to be viably sustained. It offers very limited toilet provision and a licence that limits occupancy to a maximum of 50 customers. This is not compatible with preservation of A4 use long term. This latter, as the Reed Business case to MHCLG - alongside other assessments published for the Public Inquiry and since - requires The Cabinet to be a destination venue as well as a pub serving the local community in Reed. The A4 provision currently proposed is highly unlikely to be viable. Its commercial failure would quickly follow, leading inevitably to an application for complete conversion from A4 to domestic use of the remaining commercial rump of the building. This would complete the loss of the entire pub. The application seeks, effectively, to create a single storey class A3 restaurant. Contrary to the applicant's assertion the proposal would not give back to the village a valued community facility. Instead the community facility and value of the listed building in its use as public house - cited by the Inspector in his report as a material reason for refusing change of use - would be lost. A restaurant and a pub have different purposes. The pub affords a facility for local people and visitors to socialise casually, hold meetings, drop in for various lengths of time. It promotes social cohesion in a way a restaurant does not, unless the restaurant use is ancillary to the pub function, as was the case with The Cabinet for decades in the past. Such usage, on which the Parish Council business plan is predicated, requires retention of the full, existing ground floor trading area. The present application for subdivision should therefore be refused.

6. There is also a need for the L.P.A., in coming to its determination, to make a distinction between these applications for The Cabinet and a recent determination in respect of The Tallyho public house in Barkway. In the case of The Tallyho the Authority was being asked to permit an extension to the living area available to the owner-managers whilst they continued to operate their pub business and continued to make The Tallyho available as a pub to the village community and others. This means that should The Tallyho ever be sold in the future, its status remains that of an A4 premises with associated accommodation, the accommodation being subsidiary to the A4 use as a pub. The purpose and effect of the present applications for The Cabinet are very different. The applications propose a once-and-for-all division which would render the bulk of the building into a domestic dwelling, with a small (and we argue un-viably small) section reserved for separate, commercial use as a Bar-Takeaway-Restaurant. The effect would be to turn the bulk of the building into a house in perpetuity with the definitive loss of The Cabinet as Reed's village pub - and with it the associated heritage and community-asset value. Should the remaining commercial rump of the building ever be marketed in the future, the resulting configuration (juxtaposing separate residential and trade functions in unreasonable proximity) would make a sale unlikely, as referenced in para. 3 above. This would lead inevitably to an application to complete the conversion of the whole building to C3 use.

7. It follows from the above that by refusing the present applications the L.P.A. would be making a determination that would not only be logical and appropriate, but also consistent with its ruling in respect of The Tallyho in Barkway.

8. Reed Parish Council takes the view that the two present applications are an attempt to circumvent the appeal decision of the Inspectorate, given in December 2018 and achieve change of use to C3 by another means. This was clearly also the purpose of this proposed arrangement in the application refused in April 2019. The current applications are a refinement of the original, but for the same purpose, which is to secure the conversion of the complete Cabinet site to the C3 use, which the owner sought in his first retrospective application to the Planning Authority in 2016.

9. Evidence of this is the conduct and approach of the applicant since his acquisition of The Cabinet in 2015. The Parish Council believes this conduct is a material consideration in appraising the proposals in the current application, insofar as they seek to address the reasons for refusal of the 2019 applications. Not least relevant is timing of this application. It is transparently designed to compromise the enforcement action pending against the owner's continuing, unlawful use of The Cabinet as a domestic dwelling. This is something which villagers in Reed have witnessed with exasperation since his unlawful, unauthorised conversion of the whole premises to C3 use in 2016. At every stage of what the applicant's agents acknowledge to be the vexed planning history of the The Cabinet under his ownership, the applicant has chosen to avoid observing the norms of the Planning system. His applications to the L.P.A. are always retrospective and follow the conduct of works to a listed building which are undertaken without Planning supervision or conditionality. They have also involved inconsiderate, even on occasion dangerous, behaviour on the site, affecting neighbours. For example in filling the carpark for over a year with unsightly piles of debris and lighting bonfires in proximity to thatched houses. Villagers and this Council have, in consequence, little trust in the present owner's claims and motives. We believe therefore, that the arguments tendered in this application, whilst addressing some reasons for the 2019 refusal, do not in, Planning terms, secure protection of the sustainable A4 use of The Cabinet which is integral to its heritage value in Reed. Nor are they consistent with protection of The Cabinet as a registered Asset of Community Value.

10. The conduct of the applicant immediately leading up to this application and since is also material to considering the current application, as is the doubt and distrust the application has aroused in residents and councillors in Reed. The applicant has misleadingly advertised a tenancy for The Cabinet based on the splitting of the ground floor area since the refused 2019 application and well before this latest application for changed use was submitted. His application for listed building consent fails to provide a detailed list of the works the application seeks to authorise. Nor does it offer reasons why the pub should not be restored to its original

configuration, as it was before the applicant's unlawful conversion of the complete ground floor to a house.

11. In a manner entirely consistent with his past practice the applicant has already undertaken works over recent months to accomplish the reconfiguration of the ground floor proposed in the current application. In addition to works proposed in this application he has erected a five foot fence to the rear, along the division of the building proposed, something which was featured on the plans of the refused 2019 application and which does not appear in the 2020 application. In July a conspicuous stainless steel extraction apparatus was installed in the roof at the rear of the north end of the building. It matches ill with the style of The Cabinet and is anomalous and unsightly as viewed across Reed meadows. There is no mention of this structure in the submitted application. Moreover, application 20/01349/FP contains inaccurate information, calculated to mislead. At section 4 of the now registered application form, to the question, 'have any of the works proposed already been undertaken', 'no' has been answered. This is a patently false answer, which should call into question the integrity of the whole application. Indeed, all the above is evidence of the applicant's repeatedly shown disregard for planning rules and the village community.

12. Reed Parish Council urges the Planning Authority to refuse these applications. 20/01349/FP is a device to secure permission for a changed use of The Cabinet, incompatible with the preservation of its heritage value. Its effect would be to sanction a short-term use of a small portion of the building for A4 use, which will quickly prove to be unviable. This will be succeeded by a fresh application for the complete re-designation of the whole premises to C3 use, with no doubt the owner soon after seeking to exploit the 'uplift' value of the car park area for new building. The linked listed building application does not, we believe, have the purpose of returning the small part of the premises proposed to lawful pub use. On the contrary, it is palpably designed to legitimise the currently unlawful C3 conversion works carried out to the whole of the listed building, permissions for which have not been granted by the Authority.

Both applications should be refused.

Appendix B – To Reed Parish Council Extraordinary Meeting

Held on Wednesday 22nd July 2020

Re: Planning Applications: 20/01349/FP and 20/01350/LBC

The Cabinet, Reed

Dear Gerald,

With reference to the above two planning applications, at its meeting on 22nd July Reed Parish Council passed a resolution to enter objections to the above two applications. It was also resolved to ask you, as District Councillor, to refer the applications to the NHDC Planning Control Committee, should planning officers be minded to approve the applications, using their delegated powers.

You are, I know, aware that the fate of The Cabinet continues to be a matter of huge concern to parishioners in Reed and to others.

The planning grounds supporting a referral to the Planning Control Committee are as follows:

- Planning permission. The application is in overall terms strikingly similar to that refused last year. The proposal to retain pub use in a portion of the building is a “Trojan horse”. The much-reduced trading area proposed would render the premises unviable for pub use, causing the wholly predictable total loss of the premises as a pub. It has not been demonstrated that the proposal complies with emerging policy ETC7 or national planning policy on protection of community facilities.
- Listed building consent: The assessment of significance falls far short of the standard required, in that it fails to provide any, or any adequate, assessment of or justification for the harm to the to the heritage asset that would be occasioned if the application were granted; moreover works previously carried out that are not referred to in the application may themselves require planning permission and/or listed building consent. The proposal is in essence the same as that refused last year for exactly these reasons.

With thanks for your interest in and support for the community in Reed,

Kind regards,

Ken

Ken Langley Chair Reed Parish Council

Appendix C – To Reed Parish Council Extraordinary Meeting

Held on Wednesday 22nd July 2020

Email exchange with Planning Dept. at NHDC regarding The Cabinet

From: [Simon Ellis](#)

Sent: 17 July 2020 15:47

To: [Caroline d'Ayala](#)

Cc: [KENNETH LANGLEY](#); [Anne McDonald](#); [Richard Tiffin](#); [Chris Braybrooke](#)

Subject: RE: The Cabinet - Reed

Caroline

You will recall that the first planning application to convert the Cabinet to a dwelling was recommended for approval by officers based on an independent viability report that stated a public house use was no longer viable.

It was then refused planning permission by Committee, and the appeal was dismissed, after we had employed a different consultant who was a valuer to defend the Committee's decision.

So all I can assume is that Mr Newmham is using this officer recommendation to grant planning permission as his version of the Council's 'recommendation'.

It was not our idea or recommendation that he pursue that avenue, he did it himself, then applied for planning permission retrospectively, so I would suggest he is twisting facts to make a point maybe.

Can I say Caroline that after all these years I would appreciate a little bit more understanding and respect towards the professional integrity of my team please. Myself and colleagues have gone to great lengths to explain the complexity of the planning process to yourself and others and at all times have acted professionally and followed the evidence in their recommendations.

We are getting rather tired of this constant criticism and suggestion that we are on some way working against the Parish Council and the action group.

I have copied in some of my colleagues to this reply.

Many thanks

Simon

From: Caroline d'Ayala <dayala@reedparishcouncil.co.uk>
Sent: 17 July 2020 15:35
To: Simon Ellis <Simon.Ellis@north-herts.gov.uk>
Cc: KENNETH LANGLEY <langley@reedparishcouncil.co.uk>
Subject: The Cabinet - Reed

Dear Simon

I am contacting you in the absence of Ken Langley.

In an article in this week's Royston Crow about the opening of The Spice Cabinet Bar/Restaurant/Takeaway venture, the owner of The Cabinet, Richard Newman, is quoted as follows:

"At the start the council gave the recommendation for a house so I went up that avenue. But my intention at the start was to have a licensed premises – it's been an up and down road."

Article available here:

<https://www.royston-crow.co.uk/news/spice-cabinet-to-open-in-reed-1-6746651>

Councillors here in Reed have already been approached by different parishioners asking, is it true that Planning Officers at some point recommended that Mr Newman convert The Cabinet to a house rather than reopen it as licensed premises?

The matter is certain to be raised at our forthcoming Parish Council meeting on 22nd July. So, can you comment, please, on this claim by Mr Newman in the press about his past interaction with North Hertfordshire Council.

Regards

Caroline d'Ayala

Vice Chair - Reed Parish Council