**Appeal by: Derek Warwick Developments Limited**

**Appeal Site: The Queens Hotel, High Street, Selborne GU34 3JJ**

**PINS reference: APP/Y9507/W/21/3289423**

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**PROOF OF EVIDENCE**

**MINETTE PALMER**

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**Introduction**

1. I have prepared this statement for the planning inquiry into the appeal against the South Downs National Park Authority’s refusal to permit planning application SDNP/20/04118/FUL. In preparing this statement, I have read the Statement of Common Ground and the parties' Statements of Case.
2. I have lived in the parish of Selborne for 44 years. My husband’s family has had a long-standing connection with Selborne since the 1860s. They manage Blackmoor Estate Ltd which is within the parish: its land borders the village. I was a Selborne Parish Councillor for 21 years and also the East Hampshire District Councillor for Selborne ward for 4 years. I was subsequently one of the original members of the South Downs National Park Authority, having been elected by the Parish Councils of East Hampshire, but I stood down in September 2011 after my husband died.
3. I understand that one of the main issues for the Inspector will be whether or not the facilities proposed in the application now at appeal would be of an equivalent or better quality to those lost as a result of the proposal.
4. I am giving this statement as factual evidence as a resident of Selborne rather than as expert evidence. I am not a professional planner and rely on the expert evidence of Mr De Courcy in that regard. I believe that the facts stated within this statement are true.

**Evidence**

*Background to The Queens*

1. Until the appellant bought The Queens in **April 2015**, the pub was owned by Punch Taverns, then the UK's biggest pubs group. It was a popular pub that had been substantially refurbished and reopened in **2011** by the then publicans, Erick Chobert and Nick Mortlake. They had a grand opening party for the village, with drinks in the bars, delicious ‘eats’, the grand piano being played (by Nick who was an accomplished pianist), log fires burning in both the public and lounge bars, and conducted tours of the newly reconfigured, and now en-suite, bedrooms each of which was named and decorated with a Queens theme e.g. one was ‘Queen Victoria’, another ‘Queen Elizabeth (1st)’, another ‘Queen of Hearts’.. and so on. It was a wonderful evening. The Queens was neither failing nor deteriorating nor redundant as the appellant would have you understand. Far from it, it was demonstrably delightful and demonstrably trading.
2. By **2011** alsohowever,Punch Taverns itself, as a company, was struggling with falling profits and rising debt which hit £3.3bn in 2010. The company decided to split its business in two and to sell thousands of pubs as part of a major overhaul of the firm, splitting its managed and leased pub operations to create two new public companies. I believe that the size of the leased business, which included pubs like The Queens, was to be halved to about 3,000 pubs: 2,000-3,000 of its 6,000 pubs up and down the country were to be sold at a rate of about 500 a year over the ensuing 5 years in order to meet their national debt (CD30).
3. In **2014** after Nick Mortlake, one of the two publicans at The Queens, died, the other, Erick Chobert, decided to put the remaining leasehold of the pub on the market and to return to London. Davis Coffer Lyons produced the Sales Particulars (CD27) which show the pub in extremely good condition, with a restaurant (for 56 covers), a public bar (for 22 covers) and a lounge bar (for a further 22 covers), a trade kitchen, customer WCs, a cold room, a large beer garden to the rear and a courtyard to the front with a converted barn. It was fully licensed. It had 5 x en-suite bedrooms on the 1st floor; a Family Suite with 2 bedrooms and a bathroom on the 2nd floor; and separate owner’s accommodation comprising 3 x bedrooms and a shower / WC room. It was in very good order and trading.
4. Before any interest in the leasehold could get very far, however, Punch Taverns’ 5-year rolling programme of selling their tenanted pubs reached The Queens. Please note that The Queens was late in that programme. Within a matter of months, Punch put the Freehold of The Queens on the market, giving it the opportunity to trade in a more profitable manner, free from the restrictions of high rents and free from being tied to an external pub company. With that in prospect, The Queens would be enabled to fly.
5. In **January** **2015**, Mr Robert Frost, the ‘Tenant at Will’ who was by then running The Queens, wanted to buy the pub and run it as a Freehouse. But his realistic offer of £675,000 was outbid a week later by a substantial offer from the developers David Warwick Developments (DWD) Ltd, who made an offer upon which Inspector Sophie Edwards’ Decision Letter (**2019**) later commented at paragraph 12:

“The site was then acquired by the appellant in June 2015 for £800,000. The submitted evidence indicates that this Market Value figure, which includes undeveloped land to the rear of the appeal building, implicitly includes hope value and does not necessarily reflect its value as a public house.”

1. Her phrase “hope value” chimes with DWD’s public statements that they bought the pub as a “development opportunity”.
2. That is the context within which The Queens was sold in **2015**. And it’s the reason why we’re here today.

*DWD Ownership and Intention*

1. In **March 2016**, DWD Ltd set about stripping out the building: they completely gutted it in preparation for its development. On DWD’s behalf, in October 2016 Savills advertised The Queens as a “Freehold pub” and also as a “Conversion / Development Opportunity”.
2. When people genuinely interested in buying and running The Queens as a Freehold pub began making enquiries, however, again and again DWD Ltd refused to engage with them or to give them the information requested, such as details about ‘the financials’. But DWD had bought The Queens as a ‘development opportunity’ and they intended from the very start to develop the site to residential use.
3. Several planning applications to convert the building to residential use followed and were refused by East Hampshire District Council on behalf of the NPA. The planning history is in our Statement of Case and it is well documented in many of the submissions relating to the last appeal held in July 2019. There were comprehensive submissions from Selborne Parish Council and The Selborne Association, as well as from STQ.
4. The Inspector Edwards’ Decision Letter issued in October 2019 observed that:

*“15. All fittings and fixtures, as well as a number of internal walls, were stripped out in March 2016 and therefore, significant expenditure would be required to re-instate the premises in full working order. Whatever the appellant’s motives were for carrying out those works, the value of the premises should reflect its present state and the significant costs that would be incurred to reinstate features that have been stripped out. Despite the deteriorated state of the premises, two offers to purchase the freehold were received, which the appellant declined, as they were not reflective of market value. However, having regard to the price paid for the appeal premises in working condition, with additional land to the rear, and the correspondence between the estate agent and prospective purchasers, the selling price sought by the appellant did not appear to be reflective of the current condition of the building.*

*16....Prospective purchasers were notably offered the public house without the car park element. This is however contrary to the requirements set within LP Appendix 3, which states that the marketing exercise should reflect the existing use of the premises or business in its entirety, and not to parts of it.*

*18. It cannot be concluded that the use of the appeal premises as a public house is no longer viable, simply because the appellant has been unable to sell the site, for a price which does not appear to reflect the condition of the building...... the marketing process was therefore ‘somewhat flawed’ and, having regard to the requirements of LP Policies SD43 and SD23, can not be considered as robust.”*

1. It seems that the appellant had accepted that a marketing exercise for The Queens as a pub somehow had to be gone through. But it seems clear that DWD did everything possible to ensure that the pub was not sold to someone else. Why? The obvious conclusion, especially given their several public statements, is that the reason for buying The Queens in the first place was that it was a ‘**development opportunity’.**

*Impact on the Community*

The Appeal Proposal would have a significant impact on the community.

1. As Inspector Sophie Edwards’ stated at paragraph 21:

*‘I conclude that the proposal would not be acceptable, having regard to local and national planning policies in respect of community facilities and sustainable rural tourism. The appeal scheme would result in the loss of a valued community facility and associated visitor accommodation, which would be harmful to the surrounding community and would not be outweighed by the provision of five additional dwellings. The appeal scheme would therefore conflict with LP Policies SD23 and SD43, as well as the Framework.’*

1. After Inspector Edwards’ dismissal of the last appeal, unwilling to go through a legitimate and meaningful marketing process and with no further planning avenue apparently open to them, DWD Ltd turned to The Gilbert White Museum in Selborne to try and pursue their development plans in another way, persuading the Museum to support them with a promise of benefit to them. A planning application was accordingly submitted and amended 3 times before it was refused.
2. This application was considered by the National Park Authority’s planning committee in September 2021. DWD’s Mr Macklin publicly promised to lease the ground floor of The Queens to the Museum for a peppercorn rent and to offer them the management of the proposed ‘aparthotel’ apartments so that the Museum could reserve its own lettings and be able to accommodate guests coming to the weddings held in its beautiful 16th century Field Studies Centre barn. (The FSC is an education centre purpose-built at public expense, with funding from Hampshire CC, the Lottery Fund and the Prince of Wales’ Charitable Trust CD28.) The application was refused by the SDNPA. Hence the current appeal.
3. The new apartments that have now been created within the main building are being run completely independently, having no link either to the pub or to the Gilbert White Museum. The developer has not kept his promise to the planning committee, nor to the Museum, as regards the letting of the bedrooms: the new apartments are let out personally and one seems to be let on a long-term basis. Two apartments are advertised on Airbnb as being hosted by the developer’s wife (who lives elsewhere), and the 3rd apartment is apparently permanently occupied for almost a year now. Mr Macklin, for the developer seems reluctant to acknowledge this: at a Selborne Parish Council meeting in July 2024, he said that a “manager” was living long-term in the top floor of The Queens. In reality, the manager of the Tap Room lives in the High Street, at the other end of the village. He also said it wasn’t financially worth his while doing one-night stays. There are now 2 apartments advertised as available for short-term rent, one with two double bedrooms and the other with three, instead of the 7 serviced double bedrooms, let individually, that The Queens pub had.
4. The Queens as a community facility and asset is not replicated by any other facility in the village. Inspector Sophie Edwards concluded in paragraph 20 of her Decision Letter that:

*“there is another public house within proximity to the appeal site, known as the Selborne Arms....*

*When the Queens was still operating, both establishments catered for different needs and therefore complemented each other. The presented evidence and my own observations therefore lead me to conclude that the facilities offered by the Selborne Arms are not of an equivalent or better quality to those that would be lost as a result of the proposal.”*

1. Whilst the Selborne Arms has a garden and a public car park behind it, albeit without pub-designated car parking spaces, it ticks none of the other boxes in terms of the facilities that The Queens offered. It is considerably smaller than The Queens; it has steps at both entrances and is therefore not user-friendly for people with disabilities or who need wheelchairs; it has no sizeable dining room cum function room and it has no guest accommodation at all. And whilst the Gilbert White Museum hires out its magnificent Field Studies Centre barn (which is not the additional FSC which is proposed as part of the appeal proposal) for weddings and other events, a booking for its use comes at considerable expense for the customer. In contrast, functions held at The Queens were free: you just paid for the food and drink that was provided.
2. The Queens had a large public bar with log fire, a separate lounge bar and a sizeable function room. It had the letting rooms upstairs. The Davis Coffer Lyons 2014 advertisement stated “rooms are at 100% occupancy until September on Friday and Saturday highlighting weekend break appeal”. The ACV application submitted to EHDC in 2018 also included evidence from Erick Chobert, the publican who had left at the end of 2014. He wrote that from January - March each year the pub rooms would be full at weekends; from April - September they were full at weekends and also for 75% of the time during the week; from October - mid-December they were full at weekends; and they were “busier” from Christmas to the New Year (CD29).
3. The barn immediately next to the pub was used for pub storage and for retail sales. There was generous private car parking to the front and to the rear of the pub and a large, delightful, family friendly beer garden with an adjoining field also to the rear of the building.
4. Before it was summarily closed, The Queens provided a congenial, convivial atmosphere for relaxation and meeting friends: one could go in for a morning cup of coffee and a chat with a friend or read the newspaper. It was the only place in the village that served meals from breakfast to dinner 7 days a week. I used to have dinner there from time to time with Margaret Paren, who was Chair of the SDNPA for its first 10 years, to have a catch-up on events at the National Park – and we’d always have a good dinner: The Queens had a reputation for having extremely good food. It had the largest capacity for catering in the village, with a well-appointed kitchen capable of serving 100 covers.
5. Over the years, the pub had been used for a vast number of village events and community functions such as: a monthly quiz; monthly meetings of the Wine Society and its annual banquet in February were held there; the Growmore Club (for local farmers: 3 social events per year for 30-40 people plus preliminary rounds of the Hampshire wide annual quiz); the Monday Club (a monthly disco for adults with learning disabilities bringing them together from various homes and enabling them to mix freely with the local community); big screen sports events (e.g. Rugby six nations, major football matches, Wimbledon tennis); the village Allotments Group; NFU meetings; support for the local football team; pub lunches as required for the local riding school with safe space to tie up ponies; book launches for local authors; painting and photography exhibitions for local craftspeople; the start and/or finish of the annual village Progressive Supper in June; discos and live music including local bands and assisting with the Zig Zag Fest every autumn; and theatrical productions both inside the building and outside. Special events were held, such as Christmas functions for local groups: e.g. the WI, the Wakes Weeders, the Bellringers; for Halloween and St Valentine’s Day, for banquets and themed summer parties e.g. Caribbean evenings, Pimms cocktails and the like. I used to attend the local Conservative Association AGM there every year and we were always made welcome.
6. As well as hosting large private parties, as the only large, serviced premises within the village it was often the only venue for parties after village christenings, wedding receptions, and funeral wakes. Nowadays there’s the beautiful Field Studies Centre also, but it’s very expensive: the location does not come for free as The Queens did. The Village Hall is less expensive, and so is the Pavilion on the Recreation Ground but there is no on-site catering nor a license for alcohol there. The Queens had a caring attitude for each and every customer: I once inadvertently dropped my house keys in the car park when finding my car key and did not notice as my daughter and her family were home by the time I got there. Next morning, I was telephoned by Erick the publican who asked if I had lost a purse with keys in it: he had been ringing up all his customers from the night before... and there must have been about 60 of them as the restaurant had been full. How kind was that... but typical of The Queens’ caring attitude to people.
7. The letting rooms in The Queens were also convenient for Selborne residents to accommodate their ‘overflow’ visitors overnight. For example, on a personal note, when my daughter got married, we booked all the bedrooms in the pub for family and friends who’d come from abroad. We were not alone in doing that sort of thing.
8. There was also a popular weekly Friday fish and chips takeaway, and The Queens provided home deliveries to disabled or vulnerable villagers when required.
9. That was what we had, and it has to be compared with what is proposed as part of the Appeal Proposal.
10. The Tap Room is located in the area that used to be the Lounge Bar. Its current opening hours are advertised as 5.30 pm - 9 pm on Thursdays - Saturdays, with last orders at 8.30pm. I understand that it does not now serve food, despite claims that it does.
11. It is said that the proposed additional, second, Field Studies Centre which is to be located in part of The Queens will be hireable sometimes. That is not the same as the previous function room at the Queens because the room will be primarily used for education and is likely to be full of educational equipment. Laboratory equipment for field studies, including microscopes and the like, would need to be cleared and the room prepared and presented as an attractive venue for whatever function or entertainment was to take place, with all that that entails in terms of furniture and equipment. The room will not have been designed primarily to cater for the benefit of people attending dinner parties (let alone for 56 covers), or banquets or other parties, events, exhibitions, discos, political Association meetings, big screen sports events or whatever, for all of which the function room provided very well.
12. In terms of the proposed accommodation: when I was the local District Councillor 20 years ago or so, I remember it was estimated that some 39,000 visitors came to Selborne per annum. Tourists do not all come to visit the Gilbert White Museum: the village is surrounded by open access land which is owned and managed by the National Trust and there are many people who come simply to walk in the area and experience the natural beauty of the place, its rural pre-Roman sunken lanes, the Zig-Zag, Selborne Common, Church Meadow and the Lythes and so on. Many visitors used to stay overnight at The Queens but that’s not an option now without a fully serviced pub with rooms in which to stop for the night, to have a good dinner after the fresh air and exercise of the day, and then move on next morning. Bookings for the new 2-bed and 3-bed apartments advertised on Airbnb are for a minimum of 4 nights. The Gilbert White Museum must now be suffering from the lack of short-term serviced accommodation in the village especially as it lets its Field Studies Centre out as a wedding venue: wedding guests appreciate local overnight serviced accommodation to which they can walk. But now there isn’t any.
13. The loss of all the above has had a major impact on the local community. The Queens also provided a considerable amount of local employment, both part-time and full-time, skilled and unskilled. Selborne has a poor bus service, with buses only every couple of hours to Alton or Petersfield and no evening or weekend service at all. Residents and potential employees who do not have their own transport are therefore heavily dependent upon village facilities which are now extremely limited in Selborne.
14. Given all that The Queens did for the village, it is difficult to see how the appeal proposal can possibly meet the equivalent or better-quality test required by **SD43** or the tests of **SD23.** That matters.

**Conclusion**

1. The appellant bought the pub with the very clear intention of developing the site into a variety of residential units, including a sizeable house that would be created by extending the barn.
2. To achieve this development, he took a valued pub with rooms that had provided proper tourist accommodation, of which there is a shortage in the area, and in so doing deprived the community of a valued, unique facility and asset which is not replicated by any other facility in the village.
3. Selborne needs a hotel/pub/restaurant such that The Queens was, a business that provides endless and varied facilities (many of them free) to the local community as well as overnight serviced accommodation for tourists and visitors.
4. However much the appellant may have long-term ambitions for the development of The Queens’ site, and the eventual sale of residential properties on the open market, Selborne does not need a new flat with 3 bedrooms, 2 bathrooms and an open-plan kitchen/dining/living room (on the top floor of The Queens). Nor does it need 2 x self-service Airbnb apartments, one with 2 double bedrooms, the other with 3 double bedrooms, and both available for minimum stays of 4 nights.
5. Nor does Selborne need a development that is harmful to its Conservation Area and to the local landscape: yet the design, character and appearance of the proposal now at appeal represents just that.