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Ravensbourne Arms Ltd
1 Doughty Street
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20th November 2017

Dear Sirs,

Re: The Ravensbourne Arms – Asset of Community Value, Review Decision

I am writing to confirm the outcome of the ‘Written Review’ submitted to me by a notice dated 6th September 2017, at the request of the Ravensbourne Arms Limited (“The Owner”). In making my decision I have had the benefit of information supplied on behalf of The Owner of the premises, known as The Ravensbourne Arms, 323-325 Lewisham High Street.

In addition to the notice dated 6th September 2017, I also had the benefit of a written decision submitted to me by the ‘Original Decision Maker’, Ms Liz Dart.

Clarification was sought by me as to the precise terms of the Listing.

I have seen a letter dated 19th July 2017 from the Council addressed to Sweata Shah of the Ravensbourne Arms Ltd, which confirms that “...the listing only applies to the ground floor pub and does not include the seven flats on the upper floors of the building.”

Significantly, I have no particular information regarding the applicants who nominated the premises to be Listed; namely the Lewisham Park (Crescent) Residents Association.

Given that “the listing only applies to the ground floor pub and does not include the seven flats on the upper floor of the building”, I have concentrated solely upon that area of the building when reaching my decision and have sought to ignore those references made concerning the upper parts, and in particular references to planning permission reference DC/14/88176.

It is understood from the information received from The Owner, that to date no application for change of use nor demolition of the part of the building known as The Ravensbourne Arms has been submitted and neither is it intended to be submitted.

The “pub” forming The Premises, has been closed since 4th November 2016.

Is The Ravensbourne Arms “land of community value”?

I have sought legal advice. S.88 of the Localism Act 2011 provides:

(1)(a) “an actual or current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and

(b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community”.

I am informed that The Premises are definitely not in “actual or current use” and when it was in use by the previous owner, it was not particularly profitable.

I have also however been referred to s. 88(2) of the 2011 Act which provides:

(a) “there is a time in the recent past when an actual use of the building or other land that was not ancillary use furthered the social wellbeing or interests of the local community”

And

(b) It is realistic to think that there is a time in the next 5 years when there could be non-ancillary use of a building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community”.

I am not entirely satisfied that the use of the building as described by the nominees to Ms Dart wholly fulfils the requirement of s. 88 (2)(a). The few examples (including “the offer of free French lessons... and free WiFi...”) given to show “social wellbeing or social interests”, do not appear to have in actuality resulted in sufficient interest nor patronage so as to enable the previous proprietor to run a business without them avoiding insolvency.

Given this finding, I need not proceed to consider the likely use of the building over the next 5 years.

The status of the Nominees:

Lewisham Park (Crescent) Residents Association from its title is assumed by me to be an unincorporated association. I have no specific details. That is unfortunate; but I trust that Ms Dart, the Original Decision Maker, made all the usual due diligence checks in that regard so as to satisfy herself as to their legitimate right to make the nomination. In any event, no issue has been taken on this point.

2017 changes to ‘permitted development rights’ within the national planning regime:

I have been provided with a copy of a statutory instrument which came into force on 23rd May 2017; namely, The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017. The implication of this statutory instrument is that it affords now express protection to certain types of premises, including significantly for this decision, pubs.

The protection provided by this in simple terms is that in the event that the current owner or subsequent owner were to ever decide to go as far as to demolish the “drinking establishment”, then as from 23rd May this year, “...the developer must,

before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site.” It is a fact that Article 4 of the said Instrument has removed permitted development rights which had allowed for the demolition of buildings used as “drinking establishments”.

I am further advised and reassured too that in the event that the current owner or subsequent owner(s) were to decide to change the use of the “drinking establishment” from anything other than A4, (drinking establishment with A3 (restaurants and cafes,)) that express planning permission would be legally required. (Pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)).

Conclusion:

I am not satisfied that the Nominees have provided the Original Decision Maker with sufficient information.

I am of the view from the facts provided to me that the preferred protection for The Ravensbourne Arms is by means of the national statutory planning regime. To me, this seems to provide more than sufficient procedural and actual protection. Input from planning officers and most importantly, from the public too, will necessarily be afforded to any proposed demolition of The Ravensbourne Arms or a sought after material change of use.

I trust that all parties to this matter will agree that that this conclusion provides both certainty and protection for the building.

The Ravensbourne Arms building should therefore be removed from the List of Community Assets.

If you are unhappy with this decision, you may appeal to the 1st Tier Tribunal.

Yours sincerely



Kevin Sheehan
Executive Director for Customer Services