



Appeal Decision

Site visit made on 10 August 2020

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2020

Appeal Ref: APP/V2635/W/19/3243282

Bluebell Inn, Lynn Road, Stoke Ferry PE33 9UA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Collins of Oxygen 56 Limited against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 19/01772/F, dated 10 October 2019, was refused by notice dated 12 December 2019.
 - The development proposed is change of use from public house to single detached residential dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the postcode given on the appeal form as this appears to be more accurate than that given on the application form.

Main Issue

3. The main issue in the appeal is whether or not the loss of the public house as a community and employment facility would be justified.

Reasons

4. Stoke Ferry is a village which is identified in Policy CS02 of the Core Strategy¹ (CS) as a Key Rural Service Centre. It has a primary school, a community centre, two hot food takeaway shops and other facilities. The Bluebell Inn is the only public house in the village and is on the main road through the village. This was last in operation in March 2018 and has been vacant since then.
5. Policy DM9 of the Development Management Policies² (DMP) resists the loss of community facilities unless the area served by the facility would remain suitably provided following the loss, or retention of the facility is no longer viable or feasible. This is consistent with the National Planning Policy Framework, which in paragraph 92 states that planning policies should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

¹ King's Lynn & West Norfolk Core Strategy (2011)

² King's Lynn & West Norfolk Site Allocations and Development Management Policies Plan (2016)

6. Representations made by the Parish Council and residents of the village describe the value of the public house as a community facility when it was in operation. It was listed last year as an Asset of Community Value (ACV). Although it was removed from the list because the community did not at that time exercise its right to acquire the asset, it has now been re-listed as an ACV. A campaign group has been formed with the aim of acquiring the asset. This is clear evidence of the value of the public house as a community facility.
7. The nearest alternative public house is stated in the appellant's viability appraisal to be about 1.5 miles away in Wereham. There are other pubs in villages a greater distance away than this. It is unlikely that any of these would realistically function as a community facility for the residents of Stoke Ferry, because of their remoteness from the village.
8. The property has been marketed since August 2019 for sale or lease and no party has come forward either as a purchaser or a tenant. As there is a paucity of information available regarding the viability of the public house when it was last in operation, the viability appraisal is based on industry experience and a number of assumptions have necessarily been made. This demonstrates that the public house would be profitable, but that the level of profit would be low. On this basis the appraisal concludes that the level of profit generated would be insufficient for the level of risk involved.
9. This indicates that viability may be marginal. However, the level of support expressed by the community for the facility, and the campaign to acquire it, tend to dispel doubt and support the prospect of viability. Furthermore, new development is planned to take place in the village. The CS allocates land for residential development and in addition to those allocations, permissions have been granted for 100 dwellings. This new development would increase the need for the facility and support its viability. For these reasons I take the view that non-viability of the public house has not been demonstrated beyond doubt. On this basis the proposal would not accord with Policy DM9 of the DMP.
10. The Council's decision also refers to the loss of an employment facility. Policies CS06 and CS10 of the CS seek the retention of sites and premises in employment use unless such use is demonstrated to be economically unviable. For the reasons given above, this has not been demonstrated and the proposal would not accord with those policies.
11. I take into account the contribution of the proposed dwelling to housing supply. However, there is no information before me to demonstrate that there is any shortfall in supply, and the contribution made by a single dwelling would be very limited. The benefit in this regard would not be sufficient to outweigh the harm from loss of the community and employment facility. I conclude on the main issue that the loss of the public house as a community and employment facility would not be justified.

Conclusion

12. For the reasons given, I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR