The Planning Inspectorate

Appeal Decision

Hearing Held on 7 January 2020
Site visit made on 7 January 2020

by Nick Palmer BA (Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st January 2020

Appeal Ref: APP/F2605/W/19/3231835
Dog and Partridge Public House, Watton Road, Wretham, Thetford, Norfolk IP24 1QS

- 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 Martin Turver against the decision of Breckland Council.
- The application Ref 3PL/2019/0379/CU, dated 1 April 2019, was refused by notice dated 4 June 2019.
- The development proposed is change of use of the premises to return the building to domestic use only.

Decision

1. The appeal is allowed, and planning permission is granted for change of use of the premises to return the building to domestic use only at the Dog and Partridge Public House, Watton Road, Wretham, Thetford, Norfolk IP24 1QS in accordance with the terms of the application, Ref 3PL/2019/0379/CU, dated 1 April 2019, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site & Location Plan Ref. 9765, Existing Ground Floor Layout, Existing First Floor Layout and Existing East, West and North Elevations.

    3) The buildings shall only be occupied as a single dwelling.

Procedural Matters

2. The Dog and Partridge public house forms part of a terrace which includes three other properties and is a grade II listed building. Although the application form states that the application is for planning permission and listed building consent, no alteration to the listed building is proposed and the application is for change of use only. The application also proposes change of use of a separate building which is to the side of the public house and is not listed. This was last used as bed and breakfast accommodation in association with the public house. Both the public house and the bed and breakfast accommodation are now closed. The appellant and his wife live in residential accommodation on the first floor above the public house. The appellant has stated that his intention is to occupy the public house together with the

existing residential accommodation and the separate building as a single dwelling house.

3. The Breckland Local Plan (LP) was adopted by the Council on 28 November 2019. Its policies supersede those of the Breckland Core Strategy and Development Control Policies (2009) that were referred to in the Council's decision. My decision shall be based on the LP policies.

4. In commenting on the LP, the appellant provided information on the marketing of the property and its financial viability which was not submitted with the application when it was before the Council. The Council's Principal Planning Officer stated that this additional information weighs in favour of the proposal and that it is likely that approval would have been recommended if the information had been made available at that stage. However, the formal position of the Council has not changed since it made its decision. On this basis the main issues remain as set out in the Council's decision.

Main Issues

5. The main issues in the appeal are:
   i) whether or not the proposed change of use would accord with national and local planning policies for residential development; and
   ii) whether or not the loss of the public house as a community facility would be justified.

Reasons

Planning policies

6. The property fronts onto the main A1075 road and is in the village of Wretham. This is a small village without facilities other than a village hall and the former public house at the appeal property. It is not identified in the development plan as a location for housing development and for the purposes of planning policy the appeal property is in the countryside.

7. Policy HOU 05 of the LP limits development in smaller villages and hamlets outside defined settlement boundaries, such as in this case. However, it allows for development that would comply with other development plan policies. Policy HOU 12 is relevant because it allows for the re-use of existing buildings in the countryside for residential purposes where commercial use of the building has been shown to not be viable.

8. The appellant acquired the property in 2006 at which time the public house had been closed for 4 years. He invested in improvements to the facility and re-opened it, initially with a good level of trade. However, it subsequently became apparent that the public house business was in decline. The appellant constructed the bed and breakfast building which provides three double en-suite bedrooms, in 2011. At that time other improvements were carried out including an enlarged car park and a rear kitchen extension. The bed and breakfast facility boosted the business, but this also subsequently declined. The appellant cites competition from online platforms for bed and breakfast facilities in this regard.

9. The statements of accounts for the four years between 2015 and 2019 clearly show that the business has been running at a significant deficit over that time. This is clear evidence of the non-viability of the public house and bed and

breakfast business. This is reinforced by the lack of interest from any other party in purchasing the business. Previous attempts to sell the business, including by auction have been made without success. Latterly, the business has been for sale since 2017. Only one party followed up initial enquiries with more detailed investigation but withdrew their interest on viewing the accounts.

10. While I take into account the comments that have been made by interested parties, the foregoing is clear and conclusive evidence of the lack of viability of the business. On this basis the proposed change of use accords with Policy HOU 12. That policy also has detailed requirements and I shall examine these below.

11. Firstly, buildings should be intact and capable of conversion without significant extension. They should also be of value to the landscape. The listed status of the public house building is clear evidence of its historic value to the landscape. Together with the remainder of the terrace it dates from the late 18th century and is faced in flint with brick detailing and gabled, pantile roofs. No details of any conversion works have been provided, and any such works would require listed building consent. However, having viewed the property internally, it would appear to be possible to occupy the public house together with the first-floor accommodation as a dwelling without necessitating any significant alteration to the historic fabric, or any extension.

12. The bed and breakfast building is a single storey brick building with a tiled roof and is subsidiary in scale to the main building. It is divided into three bedrooms with separate entrances. It is not clear how this building would be used in association with the main building, but any external alterations need not be significant. No extension to this building would be necessary to facilitate residential use of the property as a whole.

13. Secondly, consideration of access to the highway is necessary under Policy HOU 12. The existing vehicular access is via a drive which runs to the rear of the terrace and joins the road at each end of the terrace. This serves parking spaces for the adjoining properties and a car park at the rear of the appeal property. The northern part of the access drive is within the appellant's ownership while the southern part is owned by adjoining occupiers, the appellant having a right of access over it.

14. I saw on my visit that the northern access is gated and that the gates are set back, allowing vehicles to pull clear of the highway. The southern access appeared to be of sufficient width to accommodate two passing vehicles. There is good visibility in both directions along the road from both accesses. The road is single carriageway and has a 40 mph speed limit. Use of the property as a single dwelling would result in significantly less traffic generation than the previous public house and bed and breakfast uses. For these reasons the existing access arrangements would be acceptable and the proposal would not be prejudicial to highway safety.

15. Policy HOU 12 also requires consideration of biodiversity but in the absence of any building works it is unlikely that the proposal would have any harmful effect in this regard. For these reasons the proposal would be fully in accordance with Policies HOU 12 and HOU 5 of the LP.

16. Paragraph 79 of the National Planning Policy Framework (the Framework) states that isolated homes in the countryside should be avoided unless the development would represent the optimal viable use of a heritage asset. The property is not isolated in that it is opposite other development which forms part of the village. The property was originally built as cottages and its re-use for this purpose would be consistent with its original design. No other use has been demonstrated to be viable and, on this basis, the proposal would be in accordance with the Framework.

17. The Council confirmed, on adoption of the LP, that it can demonstrate a 5-year supply of deliverable housing sites. On this basis the LP policies are up-to-date and carry full weight. For the reasons given, the proposed change of use would accord with national and local policies for residential development.

Loss of community facility

18. Policy COM 04 of the LP resists the change of use of local community buildings unless it is demonstrated that the facility is no longer viable following appropriate marketing. The public house has not been listed as an Asset of Community Value. It has clearly been demonstrated that the public house is not viable following appropriate marketing. The proposal accords with Policy COM 04 and the loss of the public house as a community facility has been justified.

Conditions

19. At the hearing, the appellant agreed to the imposition of a condition limiting the use of the property to a single dwelling. This condition is necessary in order to limit the permission to the development applied for. It is also necessary to require the development to be in accordance with the approved plans in order to provide certainty.

20. The Highway Authority requested the imposition of conditions preventing the erection of gates or other means of enclosure across the access and provision of a vehicle turning space. As the southern access is under separate ownership the appellant would not be able to control this and therefore a condition restricting any means of enclosure on that access would not be reasonable or enforceable. Neither would such a condition be necessary as there is an alternative access to the north of the property. Because there is already a vehicle turning space within the site a condition requiring this would not be necessary.

Conclusion

21. For the reasons given I conclude that the appeal should be allowed.

Nick Palmer

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Martin Turver

Karen Turver

FOR THE LOCAL PLANNING AUTHORITY:

Mark Simmonds Principal Planning Officer, Breckland District Council

DOCUMENTS SUBMITTED

Copy of planning permission Ref. 3PL/2010/0532/F

Policy HOU12 of the Breckland Local Plan (2019)

Breckland District Council: 5 Year Housing Land Supply Position Statement (November 2019)