
Appeal Decision

Site visit made on 27 April 2021

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2021

Appeal Ref: APP/F2605/W/20/3264038

White Hart Public House, 7 White Hart Street, Foulton IP26 5AW

- 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 David Wells against the decision of Breckland District Council.
 - The application Ref 3PL/2020/0842/F, dated 1 September 2020, was refused by notice dated 24 September 2020.
 - The development proposed is change of use from public house with overnight accommodation to residential dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021. Both parties have been given the opportunity to provide comments in relation to this change.

Main Issue

3. The main issue is whether the loss of the community facility has been sufficiently justified.

Reasons

4. The appeal site comprises a vacant public house, the White Hart, and associated accommodation. It is located on White Hart Street and includes a large area of parking to the side. In the immediate area are residential properties and open agricultural land. The proposal would involve the change of use of the existing public house and its guest accommodation to a residential dwelling.
5. The existing property has been listed as an Asset of Community Value since July 2020. Policy COM04 of the Breckland Local Plan (2019) (Local Plan) highlights that proposals which would result in the loss of local community buildings will not be permitted unless it can be demonstrated that there is no local need for the facility or that its continuing function is no longer viable following appropriate marketing, or an equivalent facility is provided to serve the same community in an accessible location.

6. Paragraphs 84 d) and 93 c) of the revised Framework (2021) aim to enable the retention of community facilities such as public houses, and guard against the unnecessary loss of valued facilities and services.
7. The Appellant considers that as Foulden has an estimated population of around 448 people it is too small to sustain a wet or dry led operation. The CAMRA Public House Viability Test¹ highlights a number of factors which can impact upon the viability of public houses. These include level of competition, the availability of public transport, the flexibility of the site's use, population density and visitor potential.
8. The property has been marketed at a guide price of £295,000 for in excess of 2 years. Based on the floor area of around 270 square metres/2,905 square feet this equates to around £1,092 per square metre or £101 per square foot. I note that the Appellant states that there is land registry evidence to demonstrate that this is not being marketed at a residential value. However, I have been presented with limited details provided to justify the guide price and, whilst residential values in the area have been noted, there are no comparable public house sales and very limited details in relation to the residential sales. I therefore find that these do little to justify the asking price and accordingly I am unable to conclude that this is a reasonable price for the property taking into account all factors. Furthermore, it has been noted that there would be a certain level of works required in the premises for it to be able to operate as a public house again however it is not clear whether these initial outlay costs have been factored into the guide price.
9. The Appellant has submitted a number of documents, including a viability and marketing statement by PlanSurv and a summary of profit and loss accounts from MHA Larking Gowen. I have also had regard to the letters from Fleurets dated 21 April 2020, 23 July 2020 and 23 November 2020 highlighting the level of interest as well as their views on the offer from the White Hart Inn Community Action Group (Community Group).
10. The submitted profit and loss accounts are shown from 2015 until the closure of the public house in 2019 and show a consistent loss of between around £30,000 and £39,600 for each of the years shown. This is broken down into incomes, stock and administration costs. However, further details which lead to these costs are limited and I note that, whilst the supporting letter from MHA Larking Gowen advises that the accounts have been submitted to Companies House and HM Revenue and Customs, the information provided is unaudited.
11. Trading accounts for the years 2017/18 have been submitted which show a total loss of around £76,000 with the predicted losses for a 3-year period to be around £90,000. However, this summary is also limited in terms of in-depth details, analysis and supporting/background information.
12. I have had regard to the contrasting figures provided by the White Hart Community Benefit Society Limited and whilst full accounts to support these figures are also not provided there is a large variation between the two sets of figures. Consequently, based on the evidence before me, I have not been provided with sufficient information to lead me to definitively conclude that the public house was operating at a significant loss and would be unviable to continue in its current use.

¹ Campaign for Real Ale: Public House Viability Test – January 2020

13. I note the Appellant's views that the Community Group have used a national valuer rather than someone with local knowledge however I have been presented with little evidence to suggest that this would mean that their alternative valuations were not reasonable. I have also had regard to the Appellant's view of the likely cost for each member of the group to purchase the premises, however the financial capabilities of the interested people/groups are not a matter for me to comment upon. I have been provided with a copy of a Business and Benefit Plan from the Community Group which goes into some detail about the potential for the running of the public house, incorporating a business model and future options which suggests that there is some merit to their interest in taking the business forward. Accordingly, I do not find that the interest of the Community Group can be outright disregarded.
14. The public house is located within a rural area which appears to have limited public transport options, with a heavy reliance on the use of private vehicles. However, it has been identified that there is a good level of passing trade, albeit by private car or agricultural workers. In addition, rural public houses rely to an extent on holiday visitors and walkers. As such, based on the evidence before me, it has not been sufficiently demonstrated that the lack of public transport would be a factor which would significantly affect the trade at the premises.
15. The Appellant has identified 8 competitor pubs within a five-mile radius of the appeal site. I have been advised that 7 of these offer food and are therefore comparable to the appeal property. However, it has also been contested that two of the listed pubs are not within five miles and only one is classed as a gastropub. Nevertheless, the Appellant has provided a map showing the public houses in the wider area with a radius marked. The fact that some of the examples offer different things than the appeal premises gives the potential for the other public houses to serve different catchments and different types of customer. Accordingly, whilst there are other pubs in the wider area, I do not find that it has been demonstrated that these would negatively impact on the viability of the appeal property.
16. I have had regard to the reviews from Trip Advisor referred to by the Appellant and I acknowledge that it may be likely that a high proportion of potential visitors would read these reviews prior to visiting which would have some influence. The Appellant has advised that these reviews are from between May 2021 and February 2019, however the local community group question the validity of some of these reviews and state that they relate to times when the pub was operating with competent management. Whilst I am not in a position to know whether the reviews are genuine and therefore give this limited weight in my consideration, the specific reviews and times have not been provided by the Appellant. Therefore, whilst I note that there have been good reviews due to the level of information provided, I do not conclude that this demonstrates that the public house is not viable and not able to attract customers despite favourable recommendations.
17. I accept that for many public houses and restaurants, conditions over the last few years have made trading difficult. I also note that Foulden has a public hall which is used for some community functions. However, taking into consideration the level of interest from the Community Group and the listing of the premises as an Asset of Community Value, I consider that it has not been fully demonstrated that the loss of the public house would not adversely affect

the provision of community facilities in the area nor that there is little local interest in the property as a community venue.

18. Consequently, based on the information presented to me, I conclude that it has not been adequately demonstrated that it is not viable to retain the premises as a public house with accommodation. Accordingly, I find that the loss of the community facility has not been sufficiently justified. The proposal would therefore fail to comply with the provisions of Policy COM04 of the Local Plan and the aims of the Framework for the above reasons.

Other Matters

19. A number of local objections have been received. However, it is not necessary for me to conclude on these points as they would not alter the overall outcome in this instance.

Conclusion

20. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

R Norman

INSPECTOR