



Appeal Decision

Hearing held on 8 April 2025

Site visit made on 8 April 2025

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 May 2025

Appeal Ref: APP/F2605/W/24/3356255

Nelson House, Houghton Lane, North Pickenham, Norfolk PE37 8LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Pyne against the decision of Breckland Council.
 - The application Ref is 3PL/2024/0211/F.
 - The development proposed is a change of use from public house (Sui Generis) to a single dwellinghouse (C3).
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from public house (Sui Generis) to a single dwellinghouse (C3) at Nelson House, Houghton Lane, North Pickenham, Norfolk PE37 8LF in accordance with the terms of the application, Ref 3PL/2024/0211/F, and the plans submitted with it, 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: 0972.01 Rev 1, 0972.02 Rev 1, 0972.03 Rev 1, 0972.04 Rev 1, 0972.05 Rev 1 and 0972.06 Rev 1.
 - 3) Prior to first occupation of the dwelling hereby approved, a scheme demonstrating how net gains for biodiversity are being secured as part of the development, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, prior to first occupation.

Preliminary Matter

2. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. Comments have been sought from both parties in relation to the revised Framework, and any comments received have been taken into consideration within my decision.

Main Issue

3. The main issue is whether the proposed change of use would comply with local and national planning policies which seek to protect existing community facilities.

Reasons

4. The appeal property, known as The Blue Lion, is a public house located on a corner plot between Houghton Lane and Hillside in the rural village of North Pickenham. From the evidence provided, as part of the application and appeal, the public house has been closed since December 2021 after being taken over by new owners in September 2017. The appeal property is also a grade II listed building. However, the proposal is solely for the change of use of the building from a public house to a single dwellinghouse, with no physical alterations to the building.
5. Paragraph 88 of the Framework states that planning decisions should enable the retention and development of accessible local services and community facilities such as, amongst other things, public houses. Paragraph 98 of the Framework also states that to provide the social, recreational and cultural facilities and services the community needs, planning decisions 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.
6. Policy COM04 of the Breckland Local Plan (the LP) 2023 states that proposals, including changes of use, which result in the loss of local community buildings (most recently used for this purpose where the use has ceased), will not be permitted unless (1) 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 (2) an equivalent facility in terms of quality is provided to serve the same community in an accessible location.
7. The preamble to Policy COM04 provides a list of buildings/uses which are defined as community facilities for the purposes of this policy, which includes public houses. As such, this is the most relevant policy to the appeal proposal. The Council confirmed at the hearing that there were no other relevant development plan policies. Both parties agree that the second point of Policy COM04 of the LP is not relevant to the appeal proposal, as no equivalent facility is proposed. Therefore, I will only consider the appeal scheme against the first point outlined above.
8. The first part of the first point of Policy COM04 requires it to be demonstrated that there is no local need for the facility. The Council contend that as there is no other dedicated public house in the village of North Pickenham this constitutes a local need for the facility. They consider that the loss of the Blue Lion Public House, due to the proposed change of use, would require residents of the village travelling further afield to find an equivalent facility elsewhere.
9. However, the appellant has provided evidence to demonstrate a community facility within the village, known as The Pickenham Community Hub (The Hub), includes various social events for local people including a weekly pub event at the bar 'The Legless Saxon'. From evidence provided by the appellant, The Hub also includes a café during the day and provides other events such as bingo, quiz nights and sport and fitness classes. This is confirmed by third party representations,

provided as part of the application and appeal, which outline that this facility does provide residents somewhere to socialise and is well attended.

10. It is noted that The Hub is located slightly outside of the main village envelope, as opposed to the central location of The Blue Lion, and requires walking along a road without street lighting. However, this is not uncommon in such a rural location and during my site visit I noted that street lighting is limited across North Pickenham. The walk between the centre of North Pickenham, where the Blue Lion is located, and The Hub is also relatively short with dedicated footpaths along the whole journey.
11. Although a weekly pub event within a community building is not the same as a dedicated public house, the full spectrum of events hosted by The Hub, including The Legless Saxon, appears to provide an adequate facility for local residents to meet and socialise. As such, I see no reason as to why both facilities would be required in this rural location, with a limited population, to meet the local need for a public house. Although The Hub appears to be well used and clearly shows there is a need for a social community facility within the village, it does not demonstrate that at this point in time there is a particular local need for a separate public house.
12. It is also noted that there are other public houses in towns and villages nearby, including Ashill and Swaffham, which may not be accessible to most by foot but would provide alternative options for the residents of North Pickenham if required. Therefore, whilst The Blue Lion may have previously been a valued community facility, as there are currently suitable alternative facilities available, I do not consider that there is a specific local need for a public house at present.
13. The second part of the first point of Policy COM04 requires evidence that its continuing function is no longer viable following appropriate marketing. This policy does not detail how appropriate marketing should be undertaken nor a minimum period which it should be conducted for. However, from the evidence provided it appears that the appeal property has been marketed since February 2023, firstly at the asking price of £375,000, reduced to £350,000 in June 2023 and then to £325,000 in December 2023. During the hearing, the appellant confirmed that the appeal property has now been marketed at £325,000 for over a one year period. This led to three viewings in total and no offers to purchase.
14. However, whilst there are no objections to the marketing exercise itself, the Council consider that the price the property has been marketed for is not appropriate and therefore an appropriate marketing exercise, in accordance with Policy COM04, has not been undertaken. This is because they consider the asking price reflects the market value as a dwelling and not as a closed public house or alternative community use/business. However, no particular evidence has been provided to support these assertions.
15. A valuation report, provided by the appellant, was conducted in October 2024 to support this appeal. This indicates that the market value of the property, as it currently stands, is £285,000. Whilst this is somewhat lower than the current asking price, there is no evidence before me to suggest that the asking price is akin to a dwelling in the local area or that the property has been marketed as such. It also seems unlikely that such an asking price would deter potential purchasers from offering a lower price if they so wished.

16. It is noted that the valuation report highlights the fact that as planning permission for a change of use into a dwelling has been refused the small pool of potential purchasers will be cautious. However, this does not demonstrate that the property is being marketed as a dwelling, just highlights that the pool of purchasers may be reduced, which is reflected in the relatively low valuation price compared to comparable public houses.
17. Overall, the appellant's evidence demonstrates that the appeal property has been marketed for sale by an appropriate agent at the lower asking price of £325,000 for in excess of 12 months, which I consider to be a reasonable period. Whilst this is higher than the market value of the property outlined within the submitted valuation report, I do not consider that this price is significantly inflated or would deter potential purchasers. Despite this, there have been no offers and no sale has been achieved. Therefore, for this reason, an appropriate marketing exercise has been carried out which is in accordance with Policy COM04 of the LP.
18. To further demonstrate that the appeal property's continued use as a public house is no longer viable, the appellant has submitted financial accounts for the years in operation and a three year forecast. This shows that the appeal property has not been financially viable whilst in the appellant's ownership, reliant on government grants to make a profit. The forecast, undertaken by an accountant, also suggests that the business is no longer viable and would be unlikely to turn any reasonable profit in the next three years of operation, if it had remained open.
19. Extensive information has also been provided showing how the appellant has attempted to increase trade and profits, through various events, advertisements and upgrades to the facilities. I can also see that due to the scale of the public house itself and its listed status, any attempts to increase floorspace or make any physical changes to the building to increase business and profits would be challenging.
20. Although there are successful public houses within the surrounding area, including in the neighbouring village of Ashill, this is not comparable to the appeal site where circumstances in location and the building itself clearly differ. I have no further details before me of other successful public houses in the local area or how the running of these compare to the appeal property.
21. During the hearing, the Council confirmed that whilst they did not consider the asking price to be appropriate, they did not object to the appellant's assertions that the public house was not currently a viable business and that sufficient information had been submitted to demonstrate as such. The marketing exercise undertaken by the appellant and the matters outlined above demonstrates that the continued use of The Blue Lion as a public house is not likely to be a viable business.
22. It is noted that within their written response to the application, the organisation CAMRA highlighted their pub viability test, which was also mentioned by the Council during the hearing. However, this document is not before me and no attempt has been made to submit this document as evidence to support either party. Therefore, I have not considered it as part of this appeal or when determining the viability of the appeal property.
23. Whilst it was confirmed during the hearing that the Council consider that the first and second parts of the first point of Policy COM04 must be met to accord with the Policy, the presence of the word 'or' would suggest that this is not the case.

Nevertheless, as I have found that there is not a local need for the facility and that its continuing function as a public house is no longer viable, the proposed change of use would meet both relevant sections. Also, for these reasons I also do not consider that the proposal would result in the unnecessary loss of valued facilities and services, as per paragraph 98 of the Framework, and that accessible local services and community facilities would still be provided elsewhere in the village, specifically at The Hub, as per paragraph 88 of the Framework.

24. Therefore, for the reasons above, the proposal would comply with local and national planning policies which seek to support the protection of existing community facilities. It would therefore comply with Policy COM04 of the LP and the relevant sections of the Framework as outlined above.

Other Matters

25. The appeal building, The Blue Lion Public House, is a grade II listed building and is also within the setting of another grade II* listed building, the Church of St. Andrew. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for the development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest.
26. It appears that the significance of The Blue Lion Public House and the Church of St. Andrew is derived, at least in part, from the antiquity of their structures and from their status as well preserved examples of vernacular buildings of their age and type. The rural village setting of the surrounding area contributes to how these assets are appreciated and this setting makes a positive contribution to the significance of these listed buildings.
27. The Heritage Impact Assessment, submitted by the appellant as part of the planning application, states that the loss of The Blue Lion's longstanding use as a public house would result in less than substantial harm to the significance of the designated heritage asset. However, no physical changes to the building are proposed. As such, whilst used as a residential property rather than a public house, there would be a neutral impact on this host grade II listed building's significance. Furthermore, due to the lack of physical change to the appearance of the appeal building, the proposed change of use would also have a neutral impact on the setting of the neighbouring grade II* listed building, the Church of St. Andrew.
28. A third party has indicated that the public house provides a valuable source of employment to the local community. However, there is no evidence before me to suggest that the appeal property has provided regular employment to anyone in the local area when in operation. Furthermore, comments have also been made in relation to the previous use of the site as a local post office and various other services and that the business could thrive with effective business planning and management. However, again, there is no evidence before me to suggest that the revival of these services, if possible, or alternative management or practices would have altered the position on viability.
29. In their report, the Council indicate that there is no demonstrable need for the additional dwelling and they can demonstrate a five year supply of deliverable housing. However, whilst the provision of an additional dwelling may not be a

benefit in this instance, it would not form a reason to withhold planning permission as a need for the change of use is not a requirement under Policy COM04 of the LP.

Conditions

30. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty and precision.
31. A condition has also been included which requires the submission and approval of details in relation to biodiversity net gain as Policy ENV02 of the LP requires all development to demonstrate how net gains for biodiversity are being secured as part of the development, proportionate to the scale of development and any potential impacts (if any).

Conclusion

32. For the reasons given above the appeal is allowed.

E Grierson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Nikki O'Hagan BA (Hons)	Head of Planning Appeals, Heritage, Policy and Media – Planning Direct
Richard Pyne	Owner
Wendy Pyne	Owner
Steve Miller	Planning Direct

FOR THE LOCAL PLANNING AUTHORITY:

Richard Laws BA (Hons) Dip TP MRTPI	Principal Development Management Planner
Naomi Minto BA (Hons) MA LMRTPI	Development Management Planner
Elley Horne	