



# The Planning Inspectorate

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Ruth Redding  
King's Lynn and West Norfolk  
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Chapel Street  
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PE30 1EX

Your Ref: 09/00749/F  
Our Ref: APP/V2635/A/10/2120406/NWF  
Date: 18 August 2010

Dear Ms Redding

## **Town and Country Planning Act 1990**

### **Appeal by Westways Estate Agents**

**Site at The Woolpack Inn, 30 Sutton Road, Walpole Cross Keys, King's Lynn,  
PE34 4HD**

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or complaints about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at [www.planning-inspectorate.gov.uk/pins/agency\\_info/complaints/complaints\\_dealing.htm](http://www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm). This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 0207 947 6655.

Yours sincerely

Erin Lindell

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# Appeal Decision

Site visit made on 12 July 2010

by **John Murray LLB, Dip.Plan.Env, DMS,**  
**Solicitor**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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**Decision date:**  
**18 August 2010**

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**Appeal Ref: APP/V2635/A/10/2120406**

**30 Sutton Road, Walpole Cross Keys, King's Lynn, PE34 4HD**

- 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 Westways Estate Agents against the decision of King's Lynn and West Norfolk Borough Council.
- The application Ref 09/00749/F, dated 1 May 2009, was refused by notice dated 18 September 2009.
- The development proposed is the demolition of existing buildings on the site and the construction of 6 No. 2 bed 2 storey semi-detached dwellings and 3 No. similar terraced dwellings and the provision of 18 car parking spaces and provision for a refuse vehicle to turn.

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## Decision

1. I dismiss the appeal.

## Procedural matter

2. The application referred to the construction of "2 No. 2 bed 2 storey semi-detached houses" but it is clear from the application plans and the Design and Access Statement that this was an error and 6 semi-detached dwellings are proposed, in addition to the 3 terraced houses.

## Main issues

3. The first main issue is the effect of the proposal on the character and appearance of the area. The second is whether the loss of the public house and its replacement with 9 houses would accord with the principles of sustainable development.

## Reasons

4. The appeal site lies in the built-up area of the small rural village of Walpole Cross Keys and within an area categorised as Built Environment Type D in the King's Lynn and West Norfolk Local Plan (LP), adopted November 1998. Saved LP Policy 8/1 indicates that individual dwellings and small groups of dwellings which comply with other relevant LP policies will be allowed in such locations. For general guidance, paragraph 8.7 of the explanatory text indicates that a development of up to 5 dwellings will be regarded as a small group, although this may be varied in appropriate circumstances. I attach weight to that explanatory text and, given the size of the village and the pattern of frontage development in the locality, I consider that the proposed development of 9 dwellings exceeds what can properly be regarded as a small group of dwellings.
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5. Although it could be subject to change, and therefore carries limited weight, Policy CS09 of the King's Lynn and West Norfolk Core Strategy – Proposed Submission Document (CS) indicates that new housing development in rural villages will be restricted to small scale infilling or affordable housing allocations or potential exceptions housing to meet identified local needs and will be identified through the Site Allocations Development Plan Document. Although it may be possible to impose conditions, the appellant does not propose to include affordable housing, or housing to meet identified local needs and I do not consider the scheme to be small scale infilling.
6. I have been provided with very little information regarding the preparation and content of the Walpole Parish Plan 2008, save that Sutton Road residents indicate that villagers were asked to complete a questionnaire. Whilst I can attach only limited weight to it, this plan is nevertheless a material consideration. I am told it indicates that infill is the most favoured form of housing development for the village with only 7% of respondents wishing to see small estates. Whilst the term estate may suggest rather more than 9 dwellings, the proposal involves development at depth, rather than the simple infilling of a gap in frontage development, and its appearance would be estate-like.
7. There is no rigidly uniform building line, but the area is clearly characterised by linear, frontage development. The buildings at the rear of the school site, adjacent to the appeal property are an exception to this, but are predominantly single-storey and subservient in scale. Indeed, they are not readily apparent from public vantage points and, even from the appeal site, those buildings are well screened by vegetation. In this context, I consider that the proposed layout, which would include 2 pairs of semi-detached 2-storey houses to the rear of the site, fronting an access road at 90 degrees to Sutton Road, would be at odds with the building characteristics of the locality.
8. Planning Policy Statement (PPS) 1 (Delivering Sustainable Development) indicates that local planning authorities should avoid unnecessary prescription and should not attempt to impose architectural styles or particular tastes. However, it also states that developments should respond to their local context and create or reinforce local distinctiveness. This is echoed in PPS 3 (Housing) and saved LP Policy 4/21 is consistent with this guidance in requiring new development to be in harmony with the building characteristics of the area.
9. Along Sutton Road, the dwellings vary in design, age, size and type and include detached, semi-detached and terraced properties. They are mainly houses, though there are some bungalows nearby on Station Road. There is no consistent or predominant architectural style. Accordingly, there is scope to introduce the relatively unusual window styles and arrangements, projecting eaves, staggered facades and low pitched roofs incorporated in the contemporary design of the appeal scheme, without necessarily causing harm. However, it seems to me that variety is one of the main elements of local distinctiveness. Accordingly, the introduction of 9 dwellings of rather uniformed appearance would not reinforce that distinctiveness; indeed it would underline the incongruous estate-like feel of the development.
10. For the reasons given, I conclude on the first main issue that, by virtue of its scale, layout and design, the proposal would harm the character and

appearance of the area and would be contrary to saved LP Policies 8/1 and 4/21, as well as PPS 1 and 3 and CS Policy CS09.

11. In reaching this conclusion, I have taken account of the fact that the scheme would replace a deteriorating building. However, though its windows are boarded up, the current appearance of the public house is not so detrimental to the street scene that its removal is an overriding consideration.
12. I have also taken account of the fact that, by achieving 45 dwellings per hectare, the proposal would make efficient use of previously developed land. Efficient use of such land is still an objective of PPS3, notwithstanding the Secretary of State's recent revision deleting the national indicative minimum density of 30 dwellings per hectare. Similarly, it is not affected by his revocation of Regional Strategies, which means that Policy ENV7 of the East of England Plan, which required the achievement of the highest possible net density consistent with local character, is no longer part of the development plan. Nevertheless, in my view, the harm identified outweighs the benefits of reusing this site.
13. Turning to the second main issue, among other things, Policy EC.6.2 of PPS 4 (Planning for Sustainable Economic Growth) indicates that local planning authorities should seek to remedy identified deficiencies in local facilities to serve people's day-to-day needs. Policy EC.13.1 provides that, when assessing a planning application which would result in the loss of a public house in a village, account should be taken of its importance to the local community. Furthermore, applications which fail to protect existing facilities which provide for people's day-to-day needs should be refused.
14. There is considerable local opposition to the proposed scheme and to the loss of The Woolpack public house as a village facility and this is reinforced by the Walpole Cross Keys Parish Council and by Henry Bellingham MP. However, the appellants have owned the public house since 2005 and maintain that it is not viable. It has not been able to be run as a successful, profitable business and has been closed since January 2009.
15. The Campaign for Real Ale (CAMRA) has produced a Public House Viability Test to assist Councils in evaluating viability when proposals for changes of use are submitted. The appellants have sought to apply that test in their appeal statement and contend that the majority of the indicators point to the public house not being viable. Whilst it commented on points made in the Design and Access Statement, the Council has not challenged that later detailed assessment.
16. Some of the key factors are as follows. The property has been continuously marketed since 2008 for continued public house use, or as a redevelopment opportunity but, despite some expressions of interest, no formal offers have been made. Although no detailed breakdown is provided, the appellants estimate that it would cost at least £80,000 to repair and refurbish the premises and my own inspection indicates that they are in a poor state. The Council and third parties suggest that having failed to carry out essential repairs and maintenance, the appellants are now seeking "a premium on neglect." The appellants counter that they gave formal help to a succession of managers through reduced rent and rent free periods. It is also significant that

the public house is in a small and relatively remote community, with no principal road access. It is largely reliant on local trade and there are competing public houses in more sustainable nearby villages.

17. I have little information concerning the way in which the pub has been managed in the past and clearly, as the CAMRA test acknowledges, this would have a bearing on viability. Nevertheless, on the evidence before me, it seems likely that the appeal property is no longer viable as a public house and there are significant obstacles in the way of achieving viability. A number of third party representations made in response to the appeal acknowledge this, focussing instead on the harm that would be caused by the specific proposal. In terms of PPS4, given that the pub has been closed for some time, it cannot be said that it is now an important existing facility, which provides for people's day-to-day needs.
18. In all these circumstances, I am not satisfied that the loss of the public house would be contrary to the principles of sustainable development. Whilst residents of the village who wish to visit a pub will now have to make journeys to other locations, it seems likely that the pub would only be viable if it could attract patrons from elsewhere in significant numbers, also necessitating travel.
19. However, the appellant does not clearly address the Council's concern that the introduction of 9 new dwellings to this small village would be unsustainable. Whilst there are regular daytime bus services to Kings Lynn and Spalding, there are few facilities in the village itself and, as indicated above, the proposal is contrary to saved LP Policy 8/1, which limits housing development to small groups and indeed Core Strategy Policy CS09. In these circumstances, I conclude on the second main issue that, whilst the loss of the public house would not be contrary to the principles of sustainable development, its replacement with 9 houses would. This reinforces the concerns identified on the first main issue, which is sufficient in itself to justify dismissal of the appeal.
20. Having regard to my conclusions on the main issues and to all other matters raised, I am satisfied that the appeal should be dismissed.

*JA Murray*

INSPECTOR