
Appeal Decision

Site visit made on 2 March 2021

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2021

Appeal Ref: APP/U2615/W/20/3263209

**Wheelwright's Arms, 65 Beccles Road, Gorleston,
Great Yarmouth NR31 0PS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mrs Deborah Beavers against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/20/0398/CU, dated 3 August 2020, was approved on 29 October 2020 and planning permission was granted subject to conditions.
 - The development permitted is change of use of A4 public house to incorporate into C3 residential use already existing at premises.
 - The condition in dispute is No 3 which states that: The C3 use hereby permitted shall be carried on only by Mrs Deborah Beavers and shall be for a limited period being the period during which the premises are occupied by Mrs Deborah Beavers. When the premises cease to be occupied by Mrs Deborah Beavers the use hereby permitted shall cease and all materials and equipment brought onto the premises in connection with the use shall be removed and the property will return to being a public house.
 - The reason given for the condition is: To prevent the permanent loss of the community facility.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appeal relates to permission granted by the Council to incorporate the ground floor of a public house into residential accommodation, effectively allowing the entire building to become a dwelling. The permission was the subject of a condition making the consent personal to the applicant. The reason for this was to potentially preserve the public house as a community facility in the future. The appeal is against the condition, with the main issue being whether it is reasonable and necessary for the reason given.

Reasons

3. The Planning Practice Guidance confirms that planning permission usually runs with the land and it is rarely appropriate to provide otherwise. However, it continues by advising that there may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission.
4. In this case, the Council had made the permission personal to the present occupier of the building, in recognition of the current lack of business viability

as accentuated by the current lockdown. I agree that this case was an exceptional occasion, recognising the appellant's situation whilst seeking to comply with Policy CS15 of the Council's Core Strategy¹ (CS). This policy seeks generally to protect community assets as an essential part of maintaining sustainable communities. A public house, such as in this case the Wheelwright's Arms, might continue to perform such a role within this area, fostering personal contact between groups and individuals and generating community spirit and a sense of place.

5. It is recognised that in recent years various factors have combined to reduce the viability of the number of public houses once supported within the community. The current COVID-19 pandemic has brought matters to a head for a number of such businesses; ones that might already have been experiencing annually declining profitability.
6. The final draft of the Council's Part 2 Local Plan has been submitted for Examination. Emerging Policy C1 expands the protection currently provided to community facilities through CS Policy CS15. This emerging policy is the subject of unresolved objections, and therefore can only be given limited weight. Nevertheless, the evidence this emerging policy requires of prior marketing of a community asset, at a price reflecting its present value, before consideration of any permanent alternative use, appears to be a reasonable means of applying the protection currently afforded through CS Policy CS15.
7. I fully accept that the existing business has become increasingly less profitable in recent years and faces strong competition from other public house businesses in Gorleston. However, I consider that evidence is necessary of the unsuccessful marketing of the property as a public house, over a reasonable period, prior to reaching any conclusion over the acceptability of an unconditional residential use. In the absence of such a period of unfruitful marketing, I consider that the contested condition remains both reasonable and necessary to prevent the permanent loss of a potentially viable community facility in this area.

Conclusion

8. For the reasons given, and having taken into consideration all further matters raised, I conclude that the appeal be dismissed.

Jonathan Price

Inspector

¹ Great Yarmouth Borough Council Local plan: Core Strategy - adopted December 2015