



Appeal Decision

Site visit made on 12 April 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2023

Appeal Ref: APP/U2615/W/22/3304467

Decoy Tavern Public House, Beccles Road, Fritton, Fritton and St Olaves, Norfolk NR31 9AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Brian Newson of Brian Newson Developments Ltd against Great Yarmouth Borough Council.
 - The application Ref 06/22/0495/F, is dated 30 May 2022.
 - The development proposed is Demolition of Public house and replacement with five new dwellings to include a new access and pathway.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Background and Main Issues

2. Following the submission of the appeal against non-determination, the Council submitted a statement which contained four putative reasons for refusal. Based on the evidence submitted and my observations on site, I consider the main issues to be:
 - whether the facilities offered by the Decoy Tavern should be retained to serve the needs of the local community;
 - the effect on the character and appearance of the area including the effect on a non-designated heritage asset; and
 - the effect on the living conditions of future occupants with particular regard to outdoor amenity space.

Reasons

Loss of community facility

3. Great Yarmouth Local Plan Core Strategy 2013-2030 adopted December 2015 (CS) Policy CS15 and Great Yarmouth Local Plan Part 2 adopted December 2021 (LPP2) Policy C1 together seek to retain community facilities. For the purposes of this appeal, this would only be acceptable provided the area currently served by the community facility would remain suitably provided for or the retention of the premises would no longer be viable or feasible, demonstrated through marketing evidence.
4. The Decoy Tavern occupies a central location within Fritton where it is readily accessible to residents. The parties have identified other commercial

community facilities within 1.5 miles of the appeal site. Despite some of these being considerably closer, none of them are connected to Fritton by continuous footpaths along Beccles Road. Access would likely be by private car, and therefore would not provide the same convenient opportunity to promote social interactions and meet the needs of the local community that the appeal site does.

5. I noted a sales board on the site at the time of my site visit. Evidence of a company being appointed to market the site has been submitted, dating between 2016 and 2021. However, there are significant gaps in the correspondence. The evidence does not clearly demonstrate how and when the premises were marketed, or that there has been any advertisement in the local press. While it does include details of negotiations with a party interested in purchasing the site, there is no substantive evidence to demonstrate that a reasonable price was being sought. I therefore cannot be satisfied that adequate steps have been taken to market the premises.
6. A structural report has been submitted with the appeal. It does not conclude the building is structurally unsound but does not consider the retention of the remaining sections of the original building to be an economically viable proposition. However, it does not detail or estimate the likely costs of the necessary repairs. It has therefore not been substantively demonstrated that it is no longer feasible or viable for the premises to operate as a public house.
7. The population of Fritton is small, however there is no substantive evidence to demonstrate the people aged 30 to 64 are unlikely to frequent a pub. It is not in dispute that the site is not an Asset of Community Value.
8. I therefore conclude that it has not been demonstrated that the facilities offered by the Decoy Tavern should not be retained to serve the needs of the local community. The proposed development would therefore be contrary to CS Policy CS15 and LPP2 Policy C1 which taken together seek to ensure that community facilities are retained to provide access to services and facilities unless it has been demonstrated that it is no longer viable or feasible to retain the premises in a community facility use.

Character and appearance including non-designated heritage asset

9. Fritton is generally characterised by substantial dwellings set in spacious plots. There is no consistent or over-arching style or appearance to the buildings. However, many buildings have design features such as dormers, chimneys, or visually attractive materials. Together with the landscaping around many of the plots, these give Fritton a pleasant, rural character and appearance.
10. The appeal site is located in a prominent location on the junction of Beccles Road and New Road. It is occupied by the public house, which sits away from the road frontages of the site. There is an expansive area of hardstanding providing car parking adjacent to Beccles Road. There is a grassed garden area to the rear of the site, with some planting along the boundary to New Road.
11. The Council has identified the Decoy Tavern as a non-designated heritage asset (NDHA). The Planning Practice Guidance (PPG)¹, although highlighting the importance of clearly identifying NDHAs, confirms that they can be identified during the decision making process. While the PPG does set out that it can be

¹ Historic environment Paragraph: 040 Reference ID: 18a-040-20190723 Revision date: 23 07 2019

helpful if Councils have a list of NDHAs, there is no requirement for such a list to be compiled.

12. The Decoy Tavern appears to be an older, surviving building within Fritton which has been in use as a public house since the 19th century, hence its prominent position. As such it provides a touchstone to the historic development of the area. The internal alterations would not be controlled by the planning system. While a considerable amount of its original fabric has been lost over time or obscured by modern additions, the original form of the building is readily discernible due to the distinctive roof shape. I therefore have no reason to disagree with the Council's assessment of the buildings as a NDHA.
13. The significance of the Decoy Tavern as it relates to this appeal is derived from its value in understanding the historic development of Fritton and the surviving historic fabric. The appeal proposal would result in the complete and permanent loss of the NDHA and with it all references to the historic use of the site and development of Fritton.
14. The proposed site layout has four dwellings sat in a consistent line fronting onto Beccles Road, and one which sits further into the site. This set back dwelling appears as a poorly related addition onto the end of the terrace. This cramped appearance would be exacerbated by the proximity of the side elevation to New Road, where dwellings are typically set back from the road. The very limited private garden spaces proposed for plots 1-3 further suggest that the site is not of a sufficient size to accommodate the proposed level of development. The extent of development along the frontage to Beccles Road would not reflect the historic layout and prominence of the site and this touchstone to the historic development of Fritton would be lost.
15. From the evidence before me, the site is in use as a public house. Its demolition would therefore not be permitted development by virtue of Paragraph B.1(c) of Schedule 2 Part 11 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Planning permission would therefore be required were it to be demolished independent of any application to redevelop the site. There is therefore no fallback position with respect to the loss of the NDHA.
16. Paragraph 203 of the Framework requires a balanced judgement, having regard to the scale of harm or loss and the significance of the heritage asset. I acknowledge there would be benefits from the delivery of additional housing, the economic benefits of development, the provision of a footpath and biodiversity enhancements. However, in the absence of the evidence sought by LPP2 Policy E5 (considered in my findings above regarding attempts to market the property and the contents of the structural report), I cannot conclude that, taking a balanced judgement, the complete and total loss of the NDHA has been justified.
17. I therefore conclude that the proposed development would have an adverse effect on the character and appearance of the area, including the effect on the non-designated heritage asset. It would therefore be contrary to CS Policies CS3 which supports the reuse and conversion of redundant buildings, CS9 which requires development to respond to and draw inspiration from the surrounding area's distinctive historic characteristics and form, and CS10 which seeks to conserve the significance of the borough's heritage assets. It would

also be contrary to LPP2 Policy E5 which seeks to retain NDHAs and requires replacement development to preserve or enhance the character of the area and Policy A2 which expects new development to demonstrate high quality design which reflects local distinctiveness and creates attractive environments. These are consistent with the policies of Sections 12 and 16 of the Framework which seek to achieve well designed places and conserve the historic environment.

Living conditions

18. No policies have been brought to my attention which mandate a minimum garden size. Notwithstanding, LPP2 Policy A1 is clear that there should be a good standard of living conditions for future occupiers of development. The rear gardens of plots 1-3 of the proposed development would be notably short in length. The proposal is for three bedroom dwellings which could reasonably be expected to be occupied by a family. As such, there should be sufficient space for occupiers to enjoy unencumbered sitting out and play space. I am not satisfied the proposed rear gardens at plots 1-3 would provide this due to their small area.
19. I therefore conclude the proposed development would have an unacceptable effect on the living conditions of future occupiers with particular regard to outdoor amenity space. It would therefore be contrary to CS Policy CS9 and LPP2 Policy A1 which seek to promote a high standard of amenity to ensure a suitable living environment. These are consistent with paragraph 130 of the Framework which seeks to ensure development will function well and have a high standard of amenity for future users.

Other Matters

20. The Council has set out that it can demonstrate a five year supply of deliverable housing land and has met the requirements of the most recent housing delivery test. There is no substantive evidence which would lead me to a different conclusion and full weight can therefore be given to the policies of the development plan.
21. The site is within the development boundary for Fritton and would constitute previously developed land. The settlement is identified in CS Policy CS2 as a secondary village in the settlement hierarchy. Along with tertiary villages, such settlements are anticipated to deliver 5% of the housing requirement for the borough, proportionate to the size and service provision within the settlement. There is no reason that the principle of an additional 5 dwellings on a brownfield site within Fritton would not be proportionate to the services and facilities within it.
22. Notwithstanding the housing land supply position, there still would be a benefit from the delivery of additional housing which could be provided in the short term. There would also be associated economic benefits during the construction and occupation stages. The provision of a footpath along a short stretch of New Road is shown which would make an improvement to pedestrian safety. The additional landscaping proposed could be delivered in such a way as to deliver biodiversity enhancements. However these benefits would be limited due to the small scale of the proposed development.
23. I have not been directed to any policies in the development plan, or other substantive evidence as to the number of bedrooms, tenure or form of housing

needed, either in the borough or specifically in Fritton itself. I therefore can only attach limited weight to the benefits of delivering relatively smaller dwellings.

24. Access to the site would be taken from New Road and would not have an unacceptable impact on highway safety or have a severe residual cumulative impact on the road network. The dwellings would be positioned in such a way that there would not be an adverse effect on the living conditions of surrounding residents. In and of themselves, the appearance of the dwellings would be acceptable and the use of suitable materials secured by condition. The site is within flood zone 1, and appropriate provision for drainage could be made. The lack of harm in these respects are neutral factors that weigh neither for nor against the development.
25. The site lies within 13km of the Breydon Water Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site, the Broadland SPA and Ramsar site, the Great Yarmouth North Denes SPA and The Broads SAC. To allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would have likely significant effects on the integrity of the habitat's sites. However, addressing these matters could have at best only led to any potential adverse effects being mitigated. The Council's statement also identified that LPP2 Policy H4 requires new residential development to make provision for publicly accessible recreational open space and that were the appeal to be allowed, an off-site contribution should be secured. At best, this would be ensuring a policy compliant scheme. Both of these factors would therefore be at most neutral considerations in the determination of the appeal. As I have found against the appeal for other reasons, I have not examined these matters further.
26. I acknowledge the personal circumstances of the appellant however I am mindful of the advice contained in the PPG² that in general planning is concerned with land use in the public interest. I therefore attach limited weight to those circumstances.

Conclusion

27. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given and having had regard to all other matters raised, I conclude that the appeal should be dismissed and planning permission is refused.

J Downs

INSPECTOR

² Determining a planning application Paragraph: 008 Reference ID: 21b-008-20140306 Revision date: 06 03 2014