



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/22/3306299

85B North Quay, Norfield, Great Yarmouth NR30 1JF

- 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 Mr. D Smith against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/22/0281/F, dated 28 March 2022, was approved on 10 August 2022 and planning permission was granted subject to conditions.
 - The development permitted is continued use of land for carwash/ valeting/siting of portable buildings and car sales (Limited to 4).
 - The condition in dispute is No 1 which states that: This permission expires on 1st December 2024 and unless on or before this date application has been made for an extension to the period of permission and such application is approved by the Local Planning Authority the structures hereby approved, the use of the site for car wash/valeting shall cease and the display of cars for sales purposes shall be removed from the site.
 - The reason given for the condition is: In order to retain control over the development in the interests of the visual amenities and wider Great Yarmouth Waterfront Area.
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Decision

1. The appeal is allowed and the planning permission Ref 06/22/0281/F for continued use of land for car-wash/valeting/siting of portable buildings and car sales (Limited to 4) at 85B North Quay, Norfield, Great Yarmouth NR30 1JF granted on 10 August 2022 by Great Yarmouth Borough Council, is varied by deleting condition 1 and substituting for it the following condition:

This permission expires on 1st December 2024. The use of the site for car wash/valeting and the display of cars for sales purposes shall cease, and the structures shall be removed from the site.

Preliminary Matters

2. The application form referred to 83B North Quay, while the Council's decision refers to 85B North Quay, as does the history of the site. The parties have confirmed that 85B North Quay is the correct address for the site and I have therefore used that address in this decision.

Background and Main Issues

3. Planning permission for temporary use of the site for car wash/valeting with portable office and WC accommodation was approved in 2011¹ and

¹ 06/11/0264/F

subsequently renewed in 2014². In 2016, a further temporary permission³ was granted for the siting of night watchman's caravan and display for sale of four motor cars.

4. In 2022, permission was sought for the development proposed in the banner heading above. This was granted, subject to condition 1 which limited the permission until 1 December 2024. It is this condition which is the subject of this appeal. The effect of this would be to grant a permanent permission for the development.
5. The main issues are whether the development, without the condition in place, would be appropriate with regard to the development strategy for the area and the effect on the character or appearance of designated heritage assets.

Reasons

6. The appeal site lies within the urban area of Great Yarmouth. It consists of an area of hardstanding with a number of temporary buildings sited on it. At the time of my site visit, the appeal site appeared to be open and in use. Adjacent to the site is a repair garage and, at a higher level, land in use for the sale of cars.

Development Strategy

7. The appeal site lies within the area identified by the Great Yarmouth Local Plan Core Strategy 2013-2030 adopted December 2015 (CS) Policy CS17 as the Waterfront regeneration area. This provides for the large scale, mixed-use redevelopment of the area. It is clear that this is a long-term ambition of the plan and that delivery of this policy would extend beyond the plan period.
8. It refers to a Supplementary Planning Document (SPD), which was subsequently adopted in May 2020. While this does not form part of the development plan, it has been subject to consultation and engagement. It is therefore a material consideration in the determination of this appeal.
9. Both CS Policy CS17 and the SPD are clear that development can occur in the interim, however this should not undermine the delivery of the long term strategy for the area and so temporary or meanwhile uses are most likely to be appropriate. The SPD identifies this site as likely forming part of the public realm. Given its position adjacent to Vauxhall Bridge which provides a pedestrian and cycle access to the railway station, it is likely this would be an important site in delivering CS Policy CS17 which seeks to improve such links and enhance the public realm. The permanent siting of the use and associated buildings on this site would be inconsistent with these objectives.
10. I acknowledge the site has been subject to temporary permissions since 2011, which is prior to the current plan period, and that this has created difficulties for the appellant in finding occupiers for the site and associated financial issues. However, the Council's evidence demonstrates that since the adoption of the SPD, it has actively continued to seek to deliver CS Policy CS17, including a successful bid to the Levelling Up Fund for £20m awarded in January 2023. I therefore consider that the proposed development would not be appropriate without a condition in place.

² 06/14/0158/F

³ 06/16/0462/F

11. In reaching this conclusion, I am mindful of the advice in the Planning Practice Guidance⁴ regarding temporary permissions which sets out that it will rarely be justifiable to grant a second temporary permission except in cases where changing circumstances provide a clear rationale. While I acknowledge there have been multiple temporary permissions on the site, I consider that the demonstrable progress of the Council in seeking to deliver CS Policy CS17 provides such a rationale.

Designated heritage assets

12. The site lies within the St. Nicholas and Northgate Conservation Area (No.5) (CA No.5) where s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. The site also lies within the setting of the Market Place, Rows and North Quay Conservation Area Number 2 (CA No.2). The significance of both CA No.5 and CA No.2 as they relate to this appeal is in the historic fabric and evidential value of the historic development of Great Yarmouth.
13. 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 development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting. To the rear of the site sits the Grade II Listed Vauxhall Bridge. Its significance is as a rare survival of a wrought-iron railway bridge with significant early steel strengthening and in evidencing the role of the railway in the historic development of Great Yarmouth. The appeal site sits within the setting of the bridge.
14. The site is severed by Fuller's Hill and the roundabout from those parts of CA No.5 with the greatest amounts of historic fabric. However, the layout of North Quay continues to reflect the historic development of Great Yarmouth. This extends into CA No.2, where the historic development of Great Yarmouth along the River Yare can be seen. Development along North Quay is generally of at least two storeys in height and the surviving historic buildings in particular tend to have a close relationship to the highway. The portable buildings, by their very nature, have a functional appearance. They are constructed from non-traditional materials which provide little visual interest and are set well into the site. As such they have a poor relationship to the prevailing built form. For these reasons, the permanent siting of low quality buildings of a non-permanent construction would not preserve or enhance the character or appearance of CA No.5, and would not preserve the setting of Vauxhall Bridge. It also would harm the setting of CA No.2
15. All of the harm identified to the significance of the assets would be less than substantial. Paragraph 202 of the National Planning Policy Framework (the Framework) sets out that in such circumstances, this harm should be weighed against the public benefits of the proposal. In this case, the public benefits are limited due to the small scale of the employment development on the site and would be unlikely to outweigh the harm to the significance of the designated heritage assets. However, the effect of condition 1 is to limit this harm to a short period. A condition is therefore necessary as the development would not be appropriate without it.

⁴ Use of planning conditions Paragraph: 014 Reference ID: 21a-014-20140306 Revision date: 06 03 2014

Other Matters

16. For the reasons given above, the decision to impose condition 1 was made in accordance with the up-to-date development plan as required by planning law, and consistent with decisions taken for a number of years. Decisions regarding compulsory purchase are subject to a separate process.

Conditions

17. I have concluded that the development would not be acceptable without a temporary condition in place. However, I still must be satisfied that this meets the tests set out in paragraph 56 of the Framework.
18. It is not necessary for the condition to specify that a further application could be made to extend the permission. I therefore amend the condition to remove this clause. I have also amended the order of the condition in the interests of precision to ensure the structures on the site are to be removed. I have also made consequential, grammatical amendments.

Conclusion

19. Having regard to all matters raised, I consider a condition is necessary and reasonable in the interests of the development strategy for the area and the effect on designated heritage assets. For the reasons given above, I conclude that the appeal should be allowed and I vary the planning permission by deleting condition 1 and substituting it with that set out in my decision above.

J Downs

INSPECTOR