
Appeal Decision

Site visit made on 23 January 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2024

Appeal Ref: APP/U2615/W/23/3327923

The Warren, 19 Trafalgar Road, Great Yarmouth, NR30 2LD

- 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 Mrs Rosalind Harwood against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/23/0198/CU, dated 28 February 2023, was refused by notice dated 23 May 2023.
 - The development proposed is change of use from guest house to residential.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. According to the appeal form and statement, the property was in residential use until around 2006, and there are no records of its change of use to a guest house. I am also advised no signage has ever been displayed on the building. I understand that the appellant and her family have occupied the property as a single dwelling since January 2022, that it was marketed for over a year prior to that, and it has not traded as a guest house since approximately 2020. The Council has provided no planning history and has not disputed that the property has alternated between residential and guest house use, without planning permission. However, it is not for me to determine the lawful use of the property as part of this appeal. The appeal seeks to change the use from guest house to residential, and I have determined it on that basis. For the avoidance of doubt, I have also determined the appeal on the basis that the proposed use is a single-family dwelling.

Main Issues

3. The main issues are the effect of the development on i) the availability of holiday accommodation and the tourism economy; ii) the character of the area; iii) living conditions of future occupiers of the proposed residential accommodation with regard to private outdoor space; and iv) pressures on public open space in the local area.

Reasons

Holiday accommodation and the tourism economy

4. Policy CS8 of the Great Yarmouth Local Plan Core Strategy 2013-2030 (CS) seeks to safeguard the existing stock of visitor accommodation, especially within designated holiday accommodation areas, unless it can be demonstrated

that the current use is not viable or that the loss of some bed spaces will improve the standard of the existing accommodation. The appeal site is not within a designated holiday accommodation area. However, this policy applies to all visitor accommodation within the Borough.

5. Although the appellant states that the property was on the market for over 400 days, I have not been provided with any details of when this marketing took place, how the property was advertised, for what use, at what price, or of any viewings or offers that were made. Whilst there is no policy requirement to undertake a marketing exercise, such information, including details of other similar properties being marketed for the same use in the same area, can assist in demonstrating whether there is any demand for such businesses.
6. I acknowledge that the expectations and needs of holiday makers may well have changed over the years, and that guest house rooms, especially those spread across multiple floors with no lifts and with shared bathrooms, are probably less popular than they once were. I am also aware that there are several large hotels nearby that are possibly able to provide bigger and better equipped rooms at lower prices that may be difficult for smaller guest houses to compete with.
7. However, I have not been provided with any evidence that the guest house rooms have been difficult to let at an appropriate price, or that the guest house use would not be capable of generating enough profit to make such a business viable, having regard to its running costs. The presence of other well maintained guest houses in the immediate area, which are still trading, suggests that there is still some demand for such rooms in this area, and I have not been provided with any evidence to demonstrate otherwise. It is the responsibility of the appellant to provide the relevant evidence to support their proposal, albeit the Local Planning Authority should be able to advise what type of information could be submitted to demonstrate how its policy requirements have been met. There is also nothing before me to suggest that it would not be cost effective or feasible to provide a smaller number, of higher quality, larger, ensuite rooms, within the guest house, or to provide a different form of accommodation to meet the changing demands and expectations of holiday makers.
8. The site is also in an area which is defined, by the Great Yarmouth Local Plan Part 2 (LPP2) Policies Map, as 'Great Yarmouth Seafront Area'. Within this area, Policy GY6 of the LPP2 encourages year-round sustainable tourism and seeks to resist the loss of key tourism uses. It is however supportive of self-contained residential accommodation on upper floors. As such, it is only the loss of the ground floor holiday accommodation that conflicts with this policy. Having regard to the supporting text relating to this policy, it is apparent that its purpose is to maintain a vibrant mix of active ground floor uses along the sea frontage that provide interest and pull people from one place to the next, encouraging footfall and spending. The frontage that runs parallel to the seafront comprises a mixture of ground floor shops, pubs, cafes, restaurants and arcades, which achieve this purpose. In contrast to this, the Trafalgar Road frontage, which is set back down a side street, maintains a very residential appearance, with the guest houses, unlike larger hotels that may have a public bar or restaurant at the ground floor level, not seeking to attract customers other than those that have pre-booked or are seeking holiday accommodation.

9. I acknowledge that any loss of employment generated by the operating of the guest house itself would be very limited. However, the retention of guest accommodation in tourist centres is important to supporting year-round tourism. Although permanent residents also contribute to the local economy all year round, a regular turnover of holiday makers arriving to stay in the seafront area are likely to make greater use of nearby tourist attractions, cafes and restaurants than long term residents.
10. I therefore conclude on this matter that the proposal would reduce the availability of holiday accommodation in the seafront area, which would in turn fail to support the tourism sector of the local economy. In the absence of any robust evidence to demonstrate that there is no demand for guest house accommodation in this location or that the guest house use is not financially viable, its change of use to a single dwelling is contrary to Policy CS8 (a) and (b) of the CS. The proposal would also conflict with Policy GY6 of the LPP2. However, given that this is supportive of self-contained residential development on upper floors and that the ground floor activity along the Trafalgar Road frontage is limited to that of people coming and going from residential properties and guest houses, I have afforded limited weight to the conflict with this policy.

Character of the area

11. The appeal property sits within a mid-19th century terrace comprising a mixture of dwellings and guest houses. Except for some very modest signage on the guest houses, the traditional terraced properties all appear very much the same. The properties have small front gardens behind low walls and railings, traditional front doors and large bay windows. The ground floor bay windows to the front of the guest houses appear to serve communal reception or dining/breakfast areas for their own guests, but do not offer services to other passers-by.
12. I acknowledge that a residential property would be different in character to a guest house in terms of the number of people staying in it, the duration and purpose of those stays that may well vary throughout the holiday seasons, and the different connection between occupiers. However, the different comings and goings would have little impact on the overall vitality of the immediate Trafalgar Road area. The introduction of an alternative tourism use of the ground floor, as suggested by the Council, would be unlikely to be compatible with the character of the adjacent residential and guest house uses.
13. I therefore conclude that the change of use of the appeal property would not be harmful to the character of the area and would not conflict with Policy CS9 of the CS, which relates principally to good design.

Living conditions with regard to outdoor space

14. The change of use would result in a large family home with limited outdoor space. Whilst this is not ideal, the property was originally built as a dwelling, and I am advised that it remained as such until approximately 2006. It is not unusual for older terraced houses in built up areas to have little or no private rear garden space, and in this respect the proposal would be no different to other large houses in the area. The same frequently applies to flats and other forms of residential conversion.

15. The property does benefit from a privately owned walled garden to the front of the property. This provides adequate space for plant pots, hanging baskets and an area for sitting out in. There is a large area of communal outdoor space to the rear of the site that can be used for hanging out washing and bins are also stored to the rear of the site.
16. In addition to the above, there is public open space almost directly opposite the site, a large park and play area a little further along Trafalgar Road, and the site is within the Great Yarmouth Seafront Area, benefitting from easy access to the beach and numerous other parks, gardens, and outdoor leisure activities.
17. Given the above, I am satisfied that future occupiers of the proposed family dwelling would have satisfactory access to outdoor amenity space. The proposal would not conflict with Policy CS9 of the CS or Policies A1 and A2 of the LPP2, which seek to ensure that new development is of good design, with high standards of amenity.

Public open space

18. The Council state that the proposed change of use would result in pressure on public open spaces, which has not been mitigated by way of providing public open space on site, or by making a financial contribution towards the off-site provision of public open space. Such contributions would usually be secured by way of a planning obligation. Paragraph 57 of the National Planning Policy Framework (the Framework) is clear that obligations must only be sought where they meet all of the relevant tests. Policy GSP8 of the LPP2 reflects this advice.
19. The appeal property was clearly constructed as a dwelling. There is no substantive evidence before me as to when this use changed or whether that change was lawful. However, the appellant thinks the property operated as a guest house between around 2006 to 2020. The Council has not disputed this or provided any planning history. Although the information before me indicates that the first and second floor bedrooms of the property have been let to guests, there is no evidence before me, or reason to think that the owners did not continue to occupy the property as their sole or main home.
20. The use of the property as a guest house, that can operate all year round, would be more intensive than that of a single-family home. Indeed, the main basis of the refusal is that the change of use back to a single dwelling would reduce the number of people visiting and using the area. It is also reasonable to expect that visitors staying in the area on holiday, as well as purchasing items such as take-away food, drinks, snacks and outdoor toys from local seafront shops, would utilise local public open spaces to sit in whilst they consume or use these.
21. I have not been provided with any evidence of any shortfall of any specific types of public open space in the local area, or with any details of how the contribution sought would be used to address this. As the proposal would not place any increased pressure on public open spaces in the area, a contribution towards the provision or improvement of this, would not be necessary as a direct result of the proposal, and would not meet the tests set out in the Framework.

22. Accordingly, I find no conflict with Policies CS14 and CS15 of the CS or Policies GSP8 and H4 of the LPP2, which seek to ensure appropriate contributions are sought where necessary, to ensure there is sufficient open space provision to meet the increased demand generated by new housing development.

Other Matters

23. In reaching my decision I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, and to the provisions of the Human Rights Act 1998. These aim to eliminate discrimination, to advance equality and to foster good relations. I am also mindful that the National Planning Policy Framework, seeks to provide housing to meet the needs of those with specific housing requirements, including housing for older people, people with disabilities and those requiring care.
24. I acknowledge that the appeal property is currently occupied by three generations of the same family. The family comprises five adults, three of whom work locally. They require family accommodation, which as well as being close to their places of work, is suitable for a retired person in poor health and for an adult with disabilities who is unable to live independently. However, given the lack of evidence before me regarding the special circumstances of the family, such as their specific needs and why these cannot be met by other properties outside of the seafront policy area, I have afforded this material consideration limited weight.
25. I am aware that the adjoining property, No.20 Trafalgar Road, was granted planning permission to be converted to residential apartments, including at ground floor level. However, I am advised that this was previously a bank and did not therefore result in the loss of a tourism use. I have also had regard to the High Court decision referred to me by the Council, which related to the use of hotels within Policy Area GY6 as hostels, which would potentially result in the large-scale loss of holiday accommodation and the provision of residential accommodation which would not be self-contained. As neither of these cases are comparable to the proposal before me, I have not afforded them any weight.
26. The appellant believes that some guest houses in the area are used by the Council to provide temporary emergency accommodation. I am aware that many Councils use guest houses for such purposes, and whilst it is true that this would also reduce the availability of holiday accommodation in the seafront area, the letting of guest house rooms for purposes other than holiday use would not result in a material change of use, as such occupiers would not be long term residents.

Planning Balance and Conclusion

27. The loss of the ground floor commercial use of the appeal property would not result in harm to the vibrance or vitality of this part of the Great Yarmouth Seafront Area, and the loss of employment generated by the operation of the guest house itself, would be negligible. The change of use would not be harmful to the character of the area and would not place increased pressure on existing public open spaces in the area. I am also satisfied that future occupiers of the dwelling would have appropriate living conditions, despite the limited private outdoor space.

28. However, holiday accommodation is important to supporting year-round sustainable tourism in this central designated area. In the absence of any substantive evidence to suggest that there is no demand for the use or that it is not financially viable, I afford significant weight to its loss and to the conflict with Policy CS8 of the Core Strategy. Whilst I have considered the appellant's personal circumstances, based on the limited information provided, this would not outweigh the conflict with the development plan.

29. Consequently, the appeal is dismissed.

R Bartlett

INSPECTOR