



Appeal Decisions

Site visit made on 9 April 2025

by **J Bowyer BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025

Appeal A Ref: APP/Y2620/W/24/3349880

12/13 The Quay, Wells-next-the-Sea, Norfolk NR23 1AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Platten's against North Norfolk District Council.
 - The application Ref is PF/24/0639.
 - The development proposed is 'conversion of first floor area of existing restaurant into air B&B type holiday accommodation'.
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Appeal B Ref: APP/Y2620/Y/24/3349881

12/13 The Quay, Wells-next-the-Sea, Norfolk NR23 1AH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Platten's against North Norfolk District Council.
 - The application Ref is LA/24/0640.
 - The works proposed are 'conversion of first floor area of existing restaurant into air B&B type holiday accommodation'.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for 'conversion of first floor area of existing restaurant into air B&B type holiday accommodation' at 12/13 The Quay, Wells-next-the-Sea, Norfolk NR23 1AH in accordance with the terms of the application, Ref PF/24/0639, subject to the conditions in the attached schedule.

Appeal B

2. The appeal is allowed and listed building consent is granted for 'conversion of first floor area of existing restaurant into air B&B type holiday accommodation' at 12/13 The Quay, Wells-next-the-Sea, Norfolk NR23 1AH in accordance with the terms of the application, Ref: LA/24/0640 and the plans submitted with it.

Preliminary Matters

3. The appeal site includes a Grade II listed building 'House and Shop (Henry) Adjoining House and Shop (Marjories) on the West' (hereafter 'the Listed Building').
4. Appeals A and B relate to parallel applications seeking planning permission and listed building consent which the Council did not determine within the prescribed periods. The Council's appeal statement indicates that had it determined the applications, it would have refused the planning application which is the subject of

Appeal A. However, it confirms that it would have had no reason to refuse listed building consent which is the subject of Appeal B.

5. The Council's putative reason for refusal of the Appeal A proposal cites conflict with Policy WNS5 of the Wells-next-the-Sea Neighbourhood Plan 2024 ('the NP'). I appreciate that the NP was made after the expiry of the prescribed determination period for the planning application. Be that as it may, I must determine the appeal in accordance with the development plan as it exists at the time of my decision unless material considerations indicate otherwise. I have therefore considered the appeal having regard to the NP which forms part of the development plan.
6. I have dealt with the appeals on the basis of the submitted plans, which ostensibly align with alterations to the interior of the appeal building which I saw were in progress at the time of my visit.

Background and Main Issues

7. Although the Council has not objected to the proposal on grounds of effects on the host listed building, duties imposed under sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') requiring special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses would now fall to me. On that basis, the main issues are:
 - i) whether or not the provision of holiday accommodation would be acceptable in this location having regard to relevant development plan policies (Appeal A only); and
 - ii) the effect of the proposal on the special interest of the host Listed Building and any of the features of special architectural or historic interest which it possesses (Appeals A and B).

Reasons

Provision of Holiday Accommodation

8. The proposal includes three units of holiday accommodation together with a treatment room on the first-floor of the appeal building. Policy SS 1 of the North Norfolk Core Strategy 2008 ('the CS') identifies Wells-next-the-Sea as a 'Secondary Settlement'. The provision of accommodation here would therefore accord with the sequential approach to new tourist accommodation and attractions specified at CS policy EC 7 which outlines that proposals should be located within the Principal and Secondary Settlements.
9. Policy SS 5 of the CS further sets out that the tourist industry will be supported, including by encouraging new accommodation which helps to diversify the offer. It identifies Wells-next-the-Sea as a small town centre where development that would meet local need and support its role as a visitor and tourist destination may be acceptable. From the information before me, I have no doubt that the proposal would support the accommodation offer and the role of Wells-next-the-Sea as a visitor and tourist destination which the CS notes has a thriving year round tourist industry. It would accordingly comply with CS Policy SS 5.
10. Despite the general support for tourist accommodation in this location under the CS, I acknowledge that the recently adopted NP seeks to manage second homes and holiday lets in Wells-next-the-Sea, highlighting concerns about access to

housing and the need to ensure a thriving and sustainable town centre. At Policy WNS5, the NP sets out that proposals for holiday accommodation will not be permitted unless located on an established holiday complex.

11. I have not been directed to any policy or guidance defining what is meant by the term 'holiday complex' in Policy WNS5, and I am unclear from the submissions of any firm basis to substantiate the Council's suggestion that it is intended to refer to, for example, a holiday park or group of holiday barns.
12. In this case, the appellant already operates existing holiday lets to the upper floors of 13 The Quay where I saw ongoing works to form an opening through to the ground-floor of the appeal building in order to allow the expansion of the restaurant here. The proposed accommodation would be directly adjacent to these lets. In addition, I saw works ongoing to provide holiday accommodation on the second-floor level of the appeal building. The proposal would share an access from the street with this accommodation, and visitors staying at the site would be able to utilise both the restaurant on the ground floor as well as the treatment room. Given these relationships, the accommodation now proposed would in my view be clearly part of the existing operation at the site which caters for holiday stays. I appreciate its relatively small scale, but in the absence of any definition or compelling evidence that would indicate otherwise, I consider the proposal would reasonably comprise part of, and would effectively be located on, an established holiday complex. As a consequence, I find having regard to the particular circumstances of the appeal site and from the evidence before me that the proposal would accord with NP Policy WNS5.
13. Furthermore, I share concerns raised by the Council's Environmental Health consultee about the suitability of the first-floor of the appeal building for permanent or seasonal residential accommodation given its layout and available amenities and the relationship with the restaurant below. I am not therefore persuaded that the proposal would unacceptably reduce the potential supply of housing for local people in the town so as to conflict with the objectives of the NP.
14. I acknowledge representations by an interested party referring to a lack of affordable accommodation in Wells-next-the-Sea, but I find for these reasons that the proposal would be supported by Policies SS 5 and EC 7 of the CS and I do not identify conflict with the terms of NP Policy WNS5. I therefore conclude that the provision of holiday accommodation would be acceptable in this location.

Listed Building

15. The listing description notes that the front part of the Listed Building dates probably to the 18th century. It has a tiled roof which now includes dormer windows, and is mostly rendered with sash windows to the first-floor and modern glazing to the ground-floor level including glazed entrance doors which are set back within an arched former carriage entrance. Internally, the first-floor level was previously in use as a restaurant and based on the submitted plans and my observations, retains little, if any, interior historic fabric or remnant of the historic floor plan.
16. It is clear that the Listed Building has been subject to various alterations, but insofar as it relates to these appeals, I find that its remaining historic fabric and architectural features contribute to the special interest of the building as a waterfront premises dating to the 18th century.

17. No external changes are proposed to the Listed Building. There would be internal alterations, including the addition of new partitions to form separate rooms, and alterations to small sections of existing partitions. This would result in a marked change to the layout, but as the Council notes this has already been subject to significant alteration and it is unclear from the information before me that the existing partitions affected offer evidential value of the historic floor plan. Even if they do, I find having regard to the very limited extent of fabric that would be affected and the existing layout that the proposal would cause no more than negligible harm to the remaining special interest of the listed building.
18. Nevertheless, I am accordingly unable to conclude that the special interest of the listed building would be preserved. Bearing in mind the scale of the proposal and how it would affect the Listed Building, the harm would be less than substantial in the terms of the National Planning Policy Framework ('the Framework'). The Framework sets out that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
19. The proposal would provide three units of holiday accommodation. These would support tourism in the area with benefit to the local economy and while the scale of the proposal means that the contribution would be relatively small, I give significant weight to this as a public benefit. There is no firm evidence to demonstrate that the proposal represents the 'optimum' viable use of the space, but I nevertheless give moderate weight to the benefit of providing a viable use for the first-floor of the building which the appellant indicates is not suited to the former restaurant use.
20. The Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. It goes on to advise that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. I give considerable importance and weight to the less than substantial harm that the proposal would cause to the Listed Building. Nevertheless, the degree of harm would be negligible and in my assessment, it would be markedly outweighed by the benefits. This is consistent with the Council's position.
21. Accordingly, I find that there is a clear and convincing justification for the proposal in accordance with the Framework. The proposal would also comply with Policies EN 4 and EN 8 of the CS which include requirements broadly seeking high quality design which respects local character and context and the preservation and enhancement of heritage assets.

Other Matters

22. Section 72(1) of the Act requires special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The appeal site is located within the Wells CA which includes buildings of a range of ages, scale and architectural styles. Many of the buildings on The Quay are historic, and feature attractive period detailing. The quality of these buildings, which include the appeal building, together with the pattern of development contribute to the character and appearance of this part of the CA. The Council has not identified harm to the CA. I have no firm reason to find differently and noting that there would be no change to the exterior of the appeal building, I am satisfied that the character and the appearance of the CA would be preserved.

23. Similarly, the appeal site is also located within the Norfolk Coast National Landscape ('the NL'), formerly known as the Norfolk Coast Area of Outstanding Natural Beauty, where there is a duty under section 85 of the Countryside and Rights of Way Act 2000 (as amended) to seek to further the purpose of conserving and enhancing the natural beauty of the area. Given the location of the site within the town centre and that there would be no change to the exterior of the building, I am also satisfied that the proposal would conserve the natural beauty of the NL.
24. In circumstances where a proposal is likely to have a significant effect on a European Site designated under the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations'), there is a duty on the competent authority to consider implications for the conservation objectives of the Site within the framework of an Appropriate Assessment. This duty would now fall to me. In accordance with the Framework, Ramsar sites should be given the same protection.
25. The appeal site is located within the Zone of Influence of European and Ramsar sites scoped into the Norfolk Green Infrastructure and Recreational Disturbance Avoidance and Mitigation Strategy 2021 ('GIRAMS') which are vulnerable to the effects of recreation. Specifically, the North Norfolk Coast Special Area of Conservation ('SAC'), Special Protection Area ('SPA') and Ramsar site; and the Wash SAC, SPA and Ramsar site.
26. Insofar as the proposal would result in new tourist accommodation within this Zone of Influence, it could contribute additional visitors to the GIRAMS sites, increasing recreational pressure. This pressure, particularly when taken in combination with other plans and projects, would have a likely significant effect on the designated sites.
27. In order to mitigate potential recreational effects of development, the GIRAMS seeks financial contributions according to a tariff towards a package of strategic measures which have been reviewed as part of the Norfolk Recreational Impact Avoidance and Mitigation Strategy Action Plan 2024.
28. The main parties confirm that the relevant payment according to the tariff has been made. Natural England have also commented on the proposal, indicating that the strategic solution outlined in the GIRAMS would ensure mitigation for effects associated with additional visitors and advising that the payment collected in this case is commensurate with the agreed tariff.
29. From the information before me, I am satisfied that the payment as made would adequately secure the intended mitigation. Accordingly, I find within the framework of an AA that the proposal, with mitigation, would not adversely affect the integrity of the relevant SPA, SAC and Ramsar sites included within the GIRAMS, either alone or in combination with other plans and projects. The proposal would consequently be acceptable in accordance with the provisions of the Habitats Regulations.
30. Wells Town Council have objected to the proposal on grounds that safety features do not meet necessary standards and the build would not be fit for purpose. However, it has provided no explanation or detail to indicate which standards it considers would not be met. The Council has not raised concern in respect of the provision of flood resilience and defence measures, and I have no firm reason to find that there would be unacceptable flood risk to the development. Beyond that

and from the information before me, I see no reason that the proposal would be unfit for its intended purpose.

Conditions

31. The Council has not suggested that any conditions would be necessary in respect of Appeal B and in view of the nature of the proposal, I agree that none would be required.
32. I have considered the suggested conditions for Appeal A against the tests set out in the Framework and have made amendments where necessary to ensure compliance with these tests or for clarity, brevity or consistency.
33. Given that alterations forming part of the proposal have commenced, I have not imposed the standard time limit condition. I have however imposed a condition specifying the approved plans for the avoidance of doubt and in the interests of certainty. A condition to restrict the occupation of the development to holiday accommodation is necessary given the nature of the spaces proposed and the potential for noise or odour from the restaurant on site which mean that the development would not offer suitable living conditions for permanent or seasonal residents. I have also imposed a condition to require the implementation of measures identified in the appellant's Flood Risk Assessment which are necessary in the interests of flood risk and the safety of site occupiers.

Conclusion

34. For the reasons given above, I find that the Appeal A proposal would accord with the development plan when it is read as a whole. Material considerations do not indicate that a decision contrary to the development plan should be reached, and I conclude that Appeal A and Appeal B should both be allowed.

J Bowyer

INSPECTOR

Appeal A Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1005/100, 1005/101, 17054/206A, 1005/500A, 1005/501 and 686-04.
- 2) The development hereby permitted shall be occupied as holiday accommodation only and shall not be occupied or used as a sole or main place of residence by any persons. The holiday accommodation hereby permitted shall be made available for commercial holiday letting for at least 140 days a year and no individual let shall exceed 31 days. A register of lettings, occupation and advertising including the names of occupiers, their main home addresses and dates of arrival and departure from the accommodation shall be maintained at all times and shall be made available for inspection by the Local Planning Authority on request.
- 3) The development hereby permitted shall be carried out, used and occupied in accordance with the recommendations contained within Section 10 of the Flood Risk Assessment prepared by Geoff Beel Consultancy dated April 2024.

End of Schedule