



Appeal Decision

Site visit made on 19 May 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 May 2025

Appeal Ref: APP/F2605/W/24/3351808

The Albion, 93 Castle Street, Thetford, Norfolk IP24 2DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Cordage 36 Limited against the decision of Breckland Council.
 - The application Ref is 3PL/2024/0308/F.
 - The development proposed is the use of the existing pub access to serve the four dwellings consented under permission 3PL/2023/0094/VAR.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views, and the revised version has been taken into account in this decision.
3. The appellant has provided a Heritage Statement and an Arboricultural Implications Assessment and Method Statement. The appeals procedural guide¹ makes it clear that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which interested people's views were sought. In this case, the information was submitted in response to the Council's reasons for refusal, and I am satisfied that it would not result in a fundamental change to the application.
4. The main parties have had the opportunity to comment on these details as part of the appeal process. As such, I am satisfied that no prejudice would occur were I to consider the information in my determination of the appeal. I have proceeded on this basis.
5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) 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 or any features of special architectural or historic interest which it possesses. Additionally, Section 72(1) of the LBCA requires special attention to be paid to the

¹ Procedural Guide: Planning Appeals – England (2025)

desirability of preserving or enhancing the character or appearance of a conservation area.

Main Issues

6. The main issues are:

- the effect of the proposal on highway safety;
- the effect of the proposed use on on-street parking;
- whether the proposal would result in the unacceptable loss of a community facility; and
- the effect of the proposal on the character or appearance of the conservation area, including trees, and on the setting of nearby listed buildings.

Reasons

7. The appeal site is located on land used in connection with The Albion, a public house. It provides vehicular and pedestrian access off Castle Street to the rear of The Albion where there is an area of hard standing and a block of three garages. The proposal seeks to utilise the existing access from Castle Street into a small development comprising four dwellings² that was recently approved on land to the rear of The Albion.

Highway safety

8. Castle Street is an unclassified highway that links between the main and secondary distributor networks. The access to the site joins the highway near to the junction of an access road that runs parallel to Castle Street for a short distance to the east. There is a footpath on the same side of the road as the site and Castle Street is subject to uncontrolled parking. In the vicinity of the site, Castle Street is subject to a speed limit of 30mph and is street lit.
9. The existing access is nestled between the flank walls of The Albion and of No 91 Castle Street. It is a narrow driveway, with a restricted width varying between approximately 2.2m-3m, a figure that is not disputed by the appellant. This would be below the minimum width of 4.1m needed to allow two light vehicles to pass each other as set out within the Manual for Streets.
10. Consequently, there is a possibility that the narrow width of the access would generate conflict between vehicles accessing and egressing the consented dwellings, due to them being unable to pass each other. This would result in vehicles being forced and remain stationary on the public highway in a dangerous manner because of the road alignment or, alternatively, having to reverse into the highway while waiting for another vehicle to leave. This would likely give rise to conditions detrimental to highway safety.
11. Therefore, while it may be that the use of the proposed access is not anticipated to be frequent, and a planning condition could be imposed restricting the access to be utilised by the residents of the consented dwellings, given its poor alignment, restricted width and lack of passing provision the existing access would be unsuitable for the proposed use.

² LPA Ref 3PL/2023/0094/VAR

12. The proposal would have harmful effect on highway safety, in conflict with Policies TR 01 and TR 02 of the Breckland Local Plan 2023 (LP). Among other things these policies support development that promotes a safe transport system, integrates satisfactorily into existing transport networks and provides safe and suitable access for all users.

Parking

13. The appeal proposal refers to use of the existing access only. The parking and manoeuvring facilities for the residents of the consented scheme would have been considered under the relevant planning application. As such, there would be sufficient space for vehicles to manoeuvre and travel through the site in a forward gear in both directions.
14. Since the access has not been regularly used for a number of years, vehicle parking does not currently take place at the rear of The Albion. On this basis, there would be no vehicle parking displacement onto the highway. As such, the proposal would not affect the parking and manoeuvring facilities of The Albion.
15. The proposed use would not have a harmful effect on on-street parking. In this regard, the proposal would accord with LP Policies TR 01 and TR 02, which amongst other things support development that provides appropriate parking.

Community facility

16. The proposed scheme would result in the loss of the use of the site in connection with existing public house. However, the access has not been in regular use for this purpose for some time, as evidenced by vehicles parked across the frontage and use of the site for the occasional storage of bins and beer barrels.
17. The appellant explains in their evidence that deliveries are undertaken from the front of The Albion, which would continue to be the case in any event. There is ample space at rear of The Albion to accommodate the displaced items occasionally stored within the site, and there is space beside the access in front of The Albion to store the bins on collection days. Likewise, generous space would remain across the frontage of The Albion to provide for outdoor seating. Therefore, it is unlikely that the proposal would harm the day-to-day operations of The Albion.
18. Thus, the proposal would not result in the unacceptable loss of a Community Facility. It would accord with LP Policy COM 04, which amongst other things seeks to preclude the loss of local community buildings.

Heritage assets

19. The appeal site is a part of the Thetford Conservation Area (CA), the significance of which derives in part from its irregular layout which illustrates the development of the settlement since the medieval period. Near the appeal site the CA is generally characterised by narrow plots, rows of vernacular flint and brick terraced cottages with small frontages and large areas of greenery with mature trees.
20. The appeal site is adjacent to two distinct Grade II listed buildings. The Albion is a building of vernacular flint and pantile construction and, insofar as it is relevant to this proposal, its special interest and significance derive from its traditional construction, including its materials and windows. No 89 and 91 Castle Street

derives its significance, in part, from its physical fabric, form and appearance as a pair of vernacular mid-19th century cottages.

21. Given that the site is enclosed by a set of solid gates with a modern appearance, it makes a negative contribution to the setting of the listed buildings and to the CA.
22. The evidence provided by the appellant confirms that there would be no alterations to The Albion. The modern gates would likely be removed, which would be an improvement to the historic environment. As such, the proposal would not harm the appearance of the frontage area of the site.
23. No additional hardstanding would be required beyond that which exists to The Albion, and that which has been consented as a part of the planning permission for the dwellings. The additional works required would therefore be limited to the kerb edge and post-and-rail fence, which would close off the area to the rear of the Albion. The appellant indicates that suitable methodologies would be used in constructing the kerb edge. The post holes to accommodate upright posts would be hand dug and, if needed, repositioned to take account of any large roots. These methods would ensure that the health of nearby trees would be safeguarded. Accordingly, a Method Statement could be secured by planning condition, were I minded allowing the appeal.
24. Given the above, the proposal would preserve the character or appearance of the CA, including trees, and would preserve the setting of the listed buildings. The scheme would therefore accord with LP Policies ENV 06, ENV 07, ENV 08, COM 01 and GEN 02 which, amongst other things, support development that conserves the architectural and historic character, appearance and setting of heritage assets, is of high design quality that respects and is sensitive to the character of the surrounding area and retains the green infrastructure.

Other Considerations

25. The appellant asserts that the existing access could be brought into use at any time in connection with The Albion and associated flat. This would allow the access to be utilised by staff, residents of The Albion, customers and small delivery vehicles. In assessing the implication of this possibility and its likely effects as a fallback position, I have had regard to established caselaw, including the Zurich³ judgement to which the appellant referred.
26. The current parking arrangements for The Albion include three garaged parking spaces and three parking spaces on the adjacent hard standing. The parties agree that the existing access has not been used in a regular manner for a significant period of time. In addition, the proposal includes a new barrier between the access road and the hardstanding / garages, which would preclude any vehicular access to this space and therefore result in the loss of use of this space in connection with The Albion.
27. These factors lend considerable weight to the argument that there is limited intent by the appellant to utilise this access on a regular basis in connection with The Albion. Further, there is no compelling evidence before me to suggest that any new management of The Albion would reinstate the access. Therefore, I do not find that the fallback position would have more than a merely theoretical prospect.

³ R. (on the application of Zurich Assurance Ltd (t/a Threadneedle Property Investments)) v North Lincolnshire Council [2012] EWHC 3708 (Admin)

28. Still, even if the access were to be re-opened and utilised in connection with The Albion, the Transport Statement (TS) suggests that the existing use of the access has the potential to generate between 18 and 35 vehicle movements per day. However, this assumes that the garaged spaces would be used by staff and the spaces in front of them by customers, which would not be a practical arrangement. On this basis, I am not convinced that the use of the access in connection with The Albion would generate the number of vehicular movements advanced by the TS. As such, I am not persuaded that the proposal would represent an improvement in terms of vehicular movements using the access over the fallback position.
29. In light of the above, only limited weight can be given to the fallback argument. Therefore, it would not alter my conclusion on the first main issue.

Other Matters

30. The appellant asserts that the access is only proposed as a secondary access for the dwellings, in the event that access via Lambert's would not be possible. Lambert's is a cul-de-sac, and the Proposed Site Plan shows that access to the consented dwellings would be a continuation of Lambert's. I have not been provided with compelling reasons to demonstrate why would this access be blocked and preclude the residents to reach their properties to park their cars. Therefore, this would not justify the proposal before me.
31. The planning permission for the new dwellings provides hard surfacing up to the western boundary of The Albion and does not include any requirement for boundary treatment between the two sites. While this arrangement would not prevent residents of the consented dwellings from using the access, there is limited evidence before me to demonstrate that such an arrangement would be lawful in planning terms. Therefore, this would not overcome the harm in terms of highway safety that I have identified above.

Conclusion

32. The proposal would be acceptable in terms of its effect on on-street parking, character or appearance of the conservation area, including trees, and setting of nearby listed buildings and would not result in the loss of a community facility. However, this does not outweigh the harm in terms of highway safety.
33. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR