



Appeal Decision

Site visit made on 6 October 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2025

Appeal Ref: APP/U2615/W/25/3365349

44 North Quay, Great Yarmouth, Norfolk NR30 1JE

- 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 Mr Richard Nugent against the decision of Great Yarmouth Borough Council.
 - The application Ref is 06/24/0404/CU.
 - The development proposed is the use of dwelling as a house in multiple occupancy.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. In section E of the appeal form it is stated that the description of development has not changed from that stated on the application form. However, a different description has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the description given on the original application form. I do not consider that this has prejudiced any of the parties and I have proceeded with the appeal on this basis.
3. The application form states that the development has already taken place. I have therefore dealt with the appeal on the basis that planning permission is being sought retrospectively for the continued use of the building as a house in multiple occupancy (HMO).

Main Issues

4. The main issues are:
 - whether the site is a suitable location for the proposed development with regard to flood risk; and
 - whether suitable living conditions are provided for occupants of the development, with regard to the provision of internal space and outdoor amenity space.

Reasons

Flood risk

5. The appeal site is within Flood Zones 2 and 3, which have a medium and high probability of flooding. Paragraph 170 of the National Planning Policy Framework

(the Framework) advises that inappropriate development in areas at risk of flooding should be avoided, by directing development away from areas of highest risk. Moreover, footnote 63 of the Framework states that a site-specific Flood Risk Assessment (FRA) should be provided for all development in Flood Zones 2 and 3.

6. Paragraph 181 of the Framework states that development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that, amongst other things, safe access and escape routes are included where appropriate, as part of an agreed emergency plan. The development is submitted without a FRA and does not include an emergency plan for occupants during a flood event, including for flood warnings, or any resistance or resilience measures.
7. The HMO includes two bedrooms at ground floor level. While occupants of the ground floor accommodation could access the first floor during a flood event, there is limited space within the landing area to provide a safe refuge. Moreover, the rooms in the upper floors are fitted with locks, which may prevent the provision of a suitable refuge for ground floor occupants. The use of the building as a dwelling could lead to persons sleeping on the ground floor without the need for a FRA. Nevertheless, the development before me is for a HMO and whilst there are shared characteristics, occupants of a dwelling would typically be freely able to enter all areas of the building, including all rooms within the upper floors.
8. I conclude that that it has not been satisfactorily demonstrated that the site would be a suitable location for the development with regard to flood risk. The development therefore conflicts with Policy CS13 of the Great Yarmouth Local Plan: Core Strategy 2015 (CS), which directs new development proposals away from areas of highest risk of flooding (Flood Zones 2, 3a and 3b) unless it can be demonstrated that a satisfactory Flood Response Plan has been prepared.

Living conditions

9. The appeal site consists of a two-storey building with accommodation within the roof space. The building has six bedrooms, including two at ground floor level and three at first floor level. The bedrooms each exceed the minimum floor space for single-occupancy rooms as set out in Table 6.1 of the Great Yarmouth Local Plan Part 2 2021 (LP) and the occupants are provided with a kitchen and external space to the rear of the building.
10. The communal space within the building comprises a shared kitchen, connected to a conservatory at ground floor level. The congregational area within the conservatory, in addition to the cooking facilities, is limited in size but provides occupants with a functional space within which to socialise should they choose to do so. Given the large size of the majority of the bedrooms, the time spent by occupants within the kitchens is likely to be limited, but the communal space would be of a sufficient size and layout to accommodate occupants of the HMO.
11. To the rear of the building, the external yard provides a private space for occupants to sit out. While an area for storing bins constrains the space within the yard, the bins could be accommodated elsewhere within the site, including within the attached garage to the side of the main building. The provision of a suitable bin storage area that would not excessively constrain the external space could be secured through a condition, if I were minded to allow the appeal.

12. I conclude that suitable living conditions could be provided for occupants of the development. The development therefore accords with Policies A1 and H12 of the Great Yarmouth Local Plan Part 2 2021 (LP) and Policy CS9 of the CS, which collectively state that proposals will be supported where these will support the well-being of their occupants, protect or promote a high standard of amenity to ensure a suitable living environment in the locality, and protect the amenity of existing and future residents.

Other Matters

13. The appellant states that the use of the site as a HMO has been established for many years. Nonetheless, I have not been presented with a Certificate of Lawfulness demonstrating that the use of the site is lawful and, in any event, this falls beyond the scope of this appeal.
14. The site is close to the town centre of Great Yarmouth, which is provided with an array of facilities and services. The development would contribute to the provision of housing in a location well-served by facilities and services as well as sustainable modes of transport. Nonetheless, the contribution that the additional bedrooms would make to the supply of housing would be limited. Moreover, there is no substantive evidence before me detailing the presence or extent of a deficit of affordable housing in the Borough.
15. The site is opposite two Grade II listed buildings and is close to the Conservation Area. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving listed buildings and their setting.
16. The site is separated from the listed buildings by the busy road forming North Quay and is within an area characterised partly by a variety of architecture and building scales. Given the built-up context of the area and the small scale of the development, including the limited external changes at the site, the development would preserve the setting of the listed buildings.

Conclusion

17. 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.

J Pearce

INSPECTOR