



Appeal Decision

Site visit made on 17 November 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2025

Appeal Ref: APP/U2615/W/25/3371786

Martham Telephone Exchange, Repps Road, Martham, Norfolk NR29 4RA

- 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 Frederick Harry Muskett of Cosy Cat Developments Ltd against the decision of Great Yarmouth Borough Council.
 - The application Ref is 06/25/0275/F.
 - The development proposed is described as the “change of use from B8 to Class 3 Dwelling House, alter and extend”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. My attention has been drawn to the emerging Great Yarmouth Local Plan, currently at Regulation 22 stage. While the Council has indicated the weight to be attributed to the emerging policies, I have limited information on the emerging plan’s status, including any interim findings or main modifications. This leaves uncertainty as to the degree to which the emerging policies may change. I have not been directed to any particular circumstances that indicate the emerging policies would fundamentally change the approach to the main issues in this appeal. Consequently, the emerging policies carry limited weight, and the primary policy consideration is the statutory development plan.

Main Issues

3. The main issues are:
 - whether the site is a suitable location for the proposed development having regard to relevant development plan policies for development in the countryside and the site’s accessibility to services and facilities;
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - whether the proposed development would provide acceptable living conditions for future occupants, with regard to the provision of internal and external space;
 - the effect of the proposed development on protected species, with particular regard to bats; and
 - whether the development would make adequate provision for public open space.

Reasons

Location

4. The appeal site contains a small, detached, single storey brick-built building, located facing a private access track known as Common Road, which runs parallel with the B1152 (Repps Road), in the corner of a much larger field. Given the proximity of the site to development in the vicinity, the site is not geographically isolated for the purposes of paragraph 84 of the National Planning Policy Framework (the Framework). However, there is no dispute between the parties that the site lies outside of a defined settlement boundary, within the countryside.
5. Policy CS2 of the Great Yarmouth Local Plan: Core Strategy 2013-2030 (the Core Strategy) sets out that in the countryside, development will be limited to conversions, replacement dwellings and buildings and schemes that help to meet rural needs. Policy H7 of the Great Yarmouth Local Plan Part 2 (2021) (the LPP2) also supports the conversion or re-use of buildings to residential use in the countryside, subject to the building being of heritage or landscape value and meeting several criteria.
6. The appeal building is of modest proportions and simplistic design, understood to have formerly operated as a telephone exchange. There is no substantive evidence before me that it possesses any heritage or landscape value. On this basis the conversion of this building in principle would not comply with the requirements of Policy H7. Moreover, the appeal scheme proposes several extensions to the building which would subsume its proportions and completely alter its external appearance. The original form of the building would be unrecognisable following the proposed works, and it is unclear from the evidence before me whether it would be capable of conversion to a dwelling without the level of extensions proposed. Consequently, the proposal would fail to satisfy criteria a and b of Policy H7.
7. For all intents and purposes, the appeal scheme would result in a new building. However, as a market dwelling and based on the evidence before me, the appeal scheme would not meet any of the other listed exceptions for development located outside of development limits, in the countryside either.
8. Turning to accessibility, Policy CS2 of the Core Strategy seeks to ensure new residential development is distributed in accordance with the settlement hierarchy in order to, amongst other things, direct such development to settlements or areas with sustainable access to services and facilities for day to day living, thus reducing the need to travel.
9. The nearest settlement is Martham, which is defined as a Primary Village by Policy CS2 and would provide for some needs of future residents as it contains convenience shops, a post office, public house, library, medical centre and schools. The Council estimates the site is in excess of 700m from the development limits of Martham, however, I observed that the route is unlit, with no footpaths and subject to the national 60mph speed limit. Therefore, despite the relatively short distance, given the speed of traffic along this road, it is unlikely that future occupants would choose to travel regularly on foot or by bike in order to access these services and facilities, particularly in hours of darkness or inclement weather. No evidence of public transport options from the site have been put to me either.
10. I note there are Public Rights of Way that would provide an alternative route from the site to the village. However, this is a less direct route, is similarly unlit and crosses

agricultural fields. Therefore, whilst some future occupants of the dwelling may choose to access the village via this route during the daytime and in good weather, it is likely that most journeys would be made by car. These journeys would be frequent, irrespective of whether the dwelling would be occupied by a family with children or not and despite the availability of on-line shopping services and home-based employment, which are not universally available.

11. I appreciate that the number of vehicle movements arising from a single dwelling might be modest. I also note that the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, the site's poor connectivity to services and facilities points to it being in a location where sustainable travel modes could not be prioritised. The fact that future occupiers could use a torch in hours of darkness, or that residents of Martham may already rely on private vehicles to access their places of work, does not alter my conclusions.
12. The appellant states the scheme should be considered against paragraph 84 of the Framework. However, given the proximity of the site to other development in the vicinity, I do not agree. Nor have I been provided with any details of the previous Inspectors decision which has been referred to. Nevertheless, even if I found this to be the case, it would not alter my conclusions in relation to the site's accessibility to services and facilities by sustainable means. Reference has also been made to paragraphs in the Framework relating to development in the Green Belt and on Grey Belt land. However, I have no substantive evidence that the site is within the Green Belt and thus such national policies do not apply.
13. For the above reasons, I therefore conclude that the site is an unsuitable location for the proposed development having regard to relevant development plan policies for development in the countryside and the site's accessibility to services and facilities. This is contrary to Policies CS1 and CS2 of the Core Strategy and Policies GSP1 and H7 of the LPP2. Together these policies, amongst other things, seek to ensure a sustainable pattern of development which balances the delivery of new homes with reducing the need to travel, set out the approach to development outside of development limits and ensure that new developments provide easy access for everyone to jobs, shops and community facilities by walking, cycling and public transport.

Character and appearance

14. The appeal building is simple in design and form and sits on a small plot of land which is subdivided from the wider agricultural field beyond by a post and wire fence. The building is located off a private access track which is set on elevated ground compared to Repps Road. However, despite this, the building has a recessive appearance given the presence of trees and vegetation which affords screening of the building to passing traffic. Other developments in the vicinity are relatively well separated from the appeal site, set in generous plots and are more traditional in appearance compared to the utilitarian form of the appeal building. This low-density pattern of development reflects the countryside location of the appeal site.
15. Extensions are proposed to the side, rear and first floor of the building which would substantially increase its scale. The use of a curved roof and timber cladding would also contrast with the building's current form and appearance. Collectively the alterations proposed would increase the prominence of the building in the surrounding and largely open countryside. The Council has not raised any concerns with the

changes to the external appearance of the building and based on the evidence before me I see no reason to come to an alternative view.

16. The appellant estimates the dwelling would only cover 29% of the plot. However, it would nevertheless occupy much of the rear portion of the site, with limited separation between the building and its side and rear boundaries. As a result, the dwelling would appear as a cramped and contrived form of development which would be out of character with the surrounding area where properties are typically set in more spacious settings. Moreover, because of the level of proposed extensions, the garden area would be located to the front of the building between the on-plot parking spaces. Irrespective of whether the access track is lightly trafficked, this would not reflect good design principles and is symptomatic of overdevelopment. It is also contrary to Policy A2 of the LPP2 which advocates for private areas to be provided to the rear of the building.
17. While the appeal building is not prominent when travelling along Repps Road, it is visible from short and long-distance views in the wider landscape and from nearby public footpaths. Consequently, it would be perceivable from public vantage points in the surrounding area, views of which would be of a cramped form of development that would fail to reflect the surrounding pattern of development. Reference has been made to certain developments permitted under The Town and Country Planning (General Permitted Development) (England) Order 2015. However, this does not alter my conclusion in relation to how the proposed dwelling would sit within its plot and how this would relate to surrounding development.
18. For the above reasons, I therefore conclude that the development would harm character and appearance of the surrounding area, contrary to Policy CS9 of the Core Strategy and Policies A2 of the LPP2. Together these policies, amongst other things, encourage high quality, well-designed developments that respond positively to the built characteristics of the surrounding area.

Living conditions

19. The proposed dwelling would be a one-bedroomed two-storey property. The Council estimates the dwelling would have a gross internal area of 49sqm which is not disputed by the appellant. This would fall approximately 9sqm short of the Nationally Described Space Standards (2015) (NDSS) for a property of this type.
20. The NDSS internal space standards should only be applied if there is a relevant plan policy and while the NDSS are referred to in section BD3 of the Great Yarmouth Design Code Supplementary Planning Document (2024) (the Design Code SPD), they are identified as a best practice outcome to ensure the creation of functional and accessible new homes with sufficient internal space, rather than a requirement. Nevertheless, the NDSS remain a material consideration and provide a good benchmark for determining whether a development would provide appropriate internal living conditions. In this case, a 9sqm shortfall is not an insignificant amount and is a strong indicator that the dwelling would result in unsatisfactory living conditions.
21. Whilst some furniture and appliances have been annotated on the plans, the constrained layout accounting for staircases and necessary head height clearances would provide limited space within the unit, resulting in a cramped living environment. The appellant states that minor amendments to the plans could overcome this issue, however, no such amendments are before me as part of this appeal.

22. Section BD6 of the Design Code SPD states one-bedroomed detached dwellings must have direct access to a private garden of a minimum of 40sqm and be designed to have sufficient privacy for users. As described above, the garden area would be provided to the front of the dwelling, behind the on-plot parking spaces. The Council contends that the proposed garden area would be approximately 24sqm. The appellant disputes this, stating the area would be 40.5sqm excluding the proposed parking area. As no detailed measurements have been provided on the plans, I cannot be certain which figure is the most accurate.
23. However, the usable area between the front of the building and the rear of the parking spaces appears small and given its positioning, would be of a poor standard and low quality. While an appropriate boundary treatment could be secured by a condition to provide privacy within this area, this would enclose the garden area further, resulting in an oppressive and poor-quality external space. This, together with the substandard internal space of the dwelling, would fail to provide acceptable living conditions for future occupants. That future occupiers would be aware of these arrangements prior to occupying the dwelling does not make the scheme acceptable.
24. As the appeal scheme is not for a flat, reference to the level of external amenity space required for flats is not determinative in this case. The appellant also refers to the design of housing estates. However, I have not been provided with any specific examples which justify an alternative approach to that advocated by the abovementioned policies and guidance.
25. Therefore, for the reasons given above, I conclude that the development would fail to provide acceptable living conditions for future occupants with particular regard to internal and external space. This conflicts with Policy CS9 of the Core Strategy and Policy A2 of the LPP2, insofar as they require all new development to protect the amenity of existing and future residents and ensure suitable living environments.

Protected species

26. The Council considers the site has the potential to provide habitat favourable to protected species including bats and the potential to be within bat feeding corridors in the vicinity of the site.
27. The application was not supported by any Preliminary Ecological Assessment or survey relating to protected species. The appellant states that the former use of the building would not have been conducive to bats and its construction would prohibit bat entry. They also contend that the Bat Conservation Trust maps from 2022/23 show no bats in the vicinity of Martham. However, this is not supported by any substantive evidence demonstrating the presence or absence of such species.
28. The appeal site lies within the countryside where the roads and fields are largely bound by established hedgerows and trees. There are also pockets of trees in close proximity to the appeal building. Such features could provide foraging and commuting habitats for species such as bats. Notwithstanding the appellant's description of the building, given the site context and in the absence of any substantive evidence, the presence or otherwise of protected species on the site is not known. Consequently, it is not possible to define the extent to which protected species may be affected by the proposal.
29. The Framework sets out that if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Based on the evidence before me, I cannot be satisfied that

significant harm to biodiversity, specifically bats which are a protected species, would not occur. While I note the appellant has referred to planning permission having been granted by the Council for the conversion of existing barns to holiday lets¹ without the requirement for any protected species surveys and a dog walking field² with flood lighting and the potential to affect wildlife, as I have very limited information before me relating to these cases, I cannot be certain that they are directly comparable to the appeal scheme.

30. For the above reasons, I therefore conclude that the appellant has failed to demonstrate that the development would not have an adverse effect on protected species, with particular regard to bats. This is contrary to Policy CS11 of the Core Strategy which seeks, amongst other things, to ensure that protected species are adequately protected from any adverse effects of new development.

Public open space

31. The appeal scheme would result in the addition of one dwelling which would result in an increased demand on open space within the West Flegg Ward. Table 1 of the Open Space Supplementary Planning Document (2023) (the OSSPD) has been informed by an open space needs assessment and identifies a deficit across all open space typologies in the ward. Notwithstanding the appellant's comments relating to the scale of the appeal scheme compared with larger housing development in surrounding settlements, no evidence has been submitted to dispute this deficit in provision. Nor has any substantive evidence been submitted to demonstrate that there is a sufficient local surplus of provision to meet the needs of existing residents and those arising from future occupiers of the proposal, as required by Policy H4 of the LPP2.
32. Since the proposal would comprise new residential development with an increase in permanent population, it would result in additional demand for public open space where a deficit of provision is demonstrated. The Council indicates that the effects of the proposed development could be mitigated through a financial contribution toward open space provision which reflects the per dwelling costs identified in Table 3 of the OSSPD, adjusted to account for inflation. Section 7 of the OSSPD sets out how the financial contribution would be spent. Therefore, I am satisfied that a financial contribution towards public open space would meet the tests for planning obligations set out in the Framework in that it is necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.
33. In the absence of such a contribution or any mechanism to secure it, I conclude the proposal would fail to make adequate provision for additional needs for open space arising from the development. This is contrary to Policies CS14 and CS15 of the Core Strategy and Policies GSP8 and HS4 of the LPP2, which together and amongst other things, seek to secure appropriate contributions from new developments to improve local infrastructure and promote healthy lifestyles by addressing deficiencies in the provision, quality and access to recreational open spaces.

¹ Council Ref. 06/24/0514/F

² Council Ref. 06/21/0727/CU and 06/23/0252/CU

Other Matters

34. The application was partly refused on the basis that the appellant failed to provide sufficient information to satisfy the Council that the development would not adversely affect the integrity of the European Sites³ such as the Winterton-Horsey Dunes Special Area of Conservation (SAC), Great Yarmouth North Denes Special Protection Area (SPA), Breydon Water SPA and Ramsar, Broadlands SPA and Ramsar and The Broads SAC. Had I found the appeal scheme to be acceptable in all other regards it would have been necessary for me to examine this matter in further detail. However, as I have found that the scheme would be unacceptable for other reasons, it is not necessary for me to consider whether there would be a Likely Significant Effect on the integrity of the European Site or undertake an Appropriate Assessment.
35. Reference has been made to the dwelling being an affordable, smaller dwelling and a self-build opportunity which the appellant contends are much needed in the area. However, there is no mechanism before me that would secure the dwelling for affordable housing. Nor is there any substantive evidence before me that demonstrates the development would meet the definition of a self-build home as set out in the Self-build and Custom Housebuilding Act 2015 (as amended). No mechanism has been provided to secure the development as self-build either and on this basis, I have not considered it as such.
36. The appellant refers to the site as brownfield land and I note the Framework affords substantial weight to the value of using suitable brownfield land within settlements for homes. However, despite the development providing one dwelling which would contribute towards housing supply in the Borough, in this case the site is located outside of a settlement, in the countryside. The appellant also contends the development would enhance its surroundings and improve the current appearance of the building. However, given my above conclusions, I do not agree. The assertion that the development would be designed to comply with relevant building regulations is also a neutral matter.
37. I also note the appellant's concerns over the Council's handling of the application. However, this has no bearing on my consideration of this appeal, which I have determined on its planning merits.
38. The appellant in support of the appeal has referred to several examples⁴ that they consider to be comparable to the appeal scheme due to their locations and reliance on private transport. However, I have very little information on the site-specific circumstances of these cases and cannot be sure how comparable they are to this appeal. Nevertheless, I note that the types of developments proposed differ from the appeal scheme. I have also been supplied with two appeal decisions⁵ and evidence related to sites within the Green Belt. However, as set out above, I have no substantive evidence that this appeal site is within the Green Belt. As such, the approaches taken to the principle of development in these cases are not directly comparable to this appeal. Furthermore, each scheme must be considered on its individual merits and the examples cited do not alter my conclusions above.

³ As defined by regulation 8 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations)

⁴ Council Refs. 06/24/0797/F, 06/21/0727/CU and 06/23/0252/CU

⁵ Appeal Ref: APP/R3650/W/24/3352222, dated 27 January 2025 and APP/M3645/W/24/3347328 dated 10 December 2024.

Planning Balance and Conclusion

39. The proposed development would provide one dwelling which would make an effective use of previously developed land that would contribute towards local housing supply. As a small-site, it could also be built-out reasonably quickly. The development would therefore make a small but beneficial contribution to the choice of homes in the area and the supply of housing land; as well as providing social and economic benefits during construction and after occupation.
40. Housing delivery is supported by the Framework and, therefore, this benefit weighs in favour of the proposal. However, given the scale of the development, any social, economic or environmental benefits associated with the delivery of one dwelling would be relatively limited, even taking account of the objective of significantly boosting the supply of housing in the Framework, and would not outweigh the harm I have identified.
41. Consequently, for the reasons given above, the proposal conflicts with the development plan as a whole and material considerations do not indicate that a decision should be made other than in accordance with it. Accordingly, I conclude the appeal should be dismissed.

H Whitfield

INSPECTOR