



Appeal Decision

Site visit made on 3 December 2025

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025

Appeal Ref: APP/U2615/W/25/3373500

26 The Green, Martham, Norfolk NR29 4PA

- 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 P Dowe against the decision of Great Yarmouth Borough Council.
 - The application Ref is 06/24/0877/F.
 - The development proposed is change of use of former butchers shop into residential use as part of the existing dwelling at 24 The Green. Removal and infilling of the existing shopfront door.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of former butchers shop into residential use as part of the existing dwelling at 24 The Green. Removal and infilling of the existing shopfront door at 26 The Green, Martham, Norfolk NR29 4PA in accordance with the terms of the application, Ref 06/24/0877/F, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

2. The appellant has made an application for an award of costs. This is the subject of a separate decision.

Preliminary Matters

3. In my banner heading above I have used the description from the Council's decision notice, which more accurately describes the proposal.
4. My attention has been drawn to the emerging Great Yarmouth Local Plan Regulation 19 Publication Stage (6 December 2024 – 31 January 2025) (emerging LP), 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. Consequently, the emerging policies carry limited weight, and the primary policy consideration is the statutory development plan.
5. The appeal site is located within a conservation area. Under section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am obliged to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area.

Main Issue

6. The main issues are:

- i) whether an appropriate use; and
- ii) whether the proposal preserves or enhances the character and appearance of the Martham Conservation Area (CA).

Reasons

Use

- 7. The appeal property comprises a ground floor premises attached to an adjoining dwelling. Policy R5 of the Great Yarmouth Local Plan Part 2 (adopted December 2021) (LP Part 2) identifies the application site as being within a Local Centre and states that within Local Centres, proposals to change the use of existing active ground floor uses to uses other than retail, leisure, community and offices will not be permitted.
- 8. Whilst the Appellant disagrees with the Council's interpretation over Policy R5 in respect of 'existing' I concur with the Council that in the absence of clear evidence of abandonment, or the grant of an alternative lawful consent, the most recently approved use of the site remains the lawful existing use. Accordingly, as a change of use from retail to residential the proposal would conflict with Policy R5 of the LP Part 2 which seeks to control the conversion of buildings to residential uses in defined Local Centres.
- 9. My attention has been drawn to Policy RTC4 of the emerging LP. This takes a more pragmatic view to changes of use, which permits proposals for the change of use of ground floor uses to those other than retail, leisure and community uses subject to meeting a list of criteria, which, amongst others, includes the submission of marketing evidence and where it would not undermine the vitality and viability of the local centre.
- 10. The evidence indicates that the premises ceased to be used as a butcher's since March 2023 and that the property had been subject to marketing as a going concern between April 2022 and March 2023 and that it has been on the market since its closure. Accordingly, the property has been marketed for a notably period of time, in excess of 6 months as stipulated by the emerging policy.
- 11. Within the locality I observed there to be convenience shops, a post office, public house, library, medical centre and schools. Residential properties also were encompassed within the boundary of the local centre. The appeal property is separated away from the main cluster of retail and commercial uses which are predominantly clustered on the opposite side of The Green to the north and to the west, along Repps Road. Whilst the proposal would result in a loss of a retail/commercial use I observed few vacant premises and do not concur that the proposal would harmfully undermine the vitality and viability of the local centre, which appeared to be vibrant.
- 12. In this circumstance, the material considerations relating to the marketing of the property and the vitality of the locality outweighs the conflict the proposal would have with Policy R5 of the LP Part 2. Accordingly, for the reasons stated above, I find the proposal to be acceptable in respect of its proposed use.

Conservation Area

13. The appeal property forms part of a substantial two-storey building in residential use. In respect of the ground floor premises it includes a traditional shopfront, comprising a bay window, fronting the village green and a modern doorway on a chamfered elevation located on the northwest corner of the building. The site is located within the Martham CA, which comprises the historic centre of the village, arranged around or near the village green.
14. The significance of the CA is partly informed by the quality and range of its buildings that together, with traditional materials, plot layouts, land uses and associations. The area is predominantly characterised by a range of small shops and other retail units fronting the village green and duck pond. As a whole, the existing property contributes positively to the character and appearance of the CA. However, in isolation, its modern doorway, with a large, glazed panel and metal frame, detracts from the traditional appearance of the property.
15. External alterations are limited, restricted to the removal of the modern doorway. This would be infilled with render to match the rest of the building. The plans indicate that this would be inset to allow legibility of the former opening. Whilst the existing doorway is not dominant within the wider streetscene I consider that the removal of the modern feature would enhance the overall appearance of the building. This in turn would enhance the character, and thereby the significance, of the CA.
16. Pedestrian movements and activities at the property would undoubtedly differ to those associated with a retail or commercial use of the property. However, as previously stated, I am satisfied that the proposal would not harmfully undermine the vitality and viability of the local centre and thus, in this regard, would preserve the significance of the CA. Furthermore, the traditional window arrangement fronting the duck pond would remain, thus preserving the qualities that this contributes to the significance of the CA as a whole.
17. For these reasons, the proposal would preserve the character of the Martham CA and the proposal would comply with Policies CS9 and CS10 of the Great Yarmouth Local Plan: Core Strategy 2013-2030 and Policy E5 of the LP Part 2 insofar as these policies require proposals to conserve and enhance the significance of heritage assets.

Other Matters

18. Whilst the Council refers to the removal of advertisements this does not fall within the remit of the appeal before me.

Conditions

19. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
20. The Council has suggested a condition requiring details of the external materials for the primary elevation. However, I consider this to be onerous given details of the render, plinth and recess are indicated on the proposed plans. Accordingly, I will impose a condition requiring construction materials to match the existing property in the interests of preserving the character and appearance of the property and CA.

Conclusion

21. I have found no harm to the significance of the CA. The proposal would conflict with the development plan in respect of the proposed use of the premises. However, for the above reasons, I consider that the other material planning considerations to be of sufficient weight to clearly outweigh this conflict.
22. Accordingly, the balance of the considerations in this case means the appeal should succeed.

R Gee

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in strict accordance with the following drawings: Location plan, Location and Block Plans – ref. 2020644-05, Ground and First Floor Plans as Proposed – ref. 2020644-03 revision B and Elevations as Proposed – ref. 2020644-04 revision A.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

*****End of Schedule*****