



Appeal Decisions

Site visit made on 22 April 2026

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th May 2026

Appeals Ref: APP/U2615/C/25/3366611 (Appeal A) & 3366612 (Appeal B) 6 Trafalgar Road, Great Yarmouth NR30 2LD

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeals are made by Mrs Ann Frew (Appeal A) and Mr Stephen James Frew (Appeal B) against an enforcement notice issued by Great Yarmouth Borough Council.
 - The notice was issued on 25 March 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission and within the last 10 years, the material change of use of the property from a Use Class C1 Hotel to use as a single residential Dwelling (Use Class C3), constituting an unauthorised development of the Land.
 - The requirement of the notice is to:
Cease the use of the property as a Use Class C3 residential dwelling.
 - The period for compliance with the requirement is two years.
 - The appeal is proceeding on the grounds set out in section 174(2)(f), (g) of the Town and Country Planning Act 1990 (as amended).
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Decisions

1. The appeals are dismissed, and the enforcement notice is upheld.

The Appeals on Ground (f)

1. The appeals on this ground is "that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters (i.e. the matters alleged in the notice) or, as the case may be, to remedy any injury to amenity which has been caused by any such breach".
2. The Notice requires the use of the property as a Class C3 dwellinghouse to cease. Therefore, the purpose of the notice is to remedy the breach of planning control rather than only remedy any injury to amenity.
3. The appellants state that to comply with the Notice the only option they have is to sell the property, which is for sale and has been on the market since September 2024, without success. They have also questioned whether it is in the public interest to take enforcement action if the property is not sold within the 2-year compliance period, and that their family, who provides care for the appellants will all lose their home. They also state that the premises is in a location which is not viable for tourist accommodation and therefore questions the Council's decision to take enforcement against the loss of the hotel accommodation.
4. However, since there is no appeal on ground (a), there is no deemed planning application. Therefore, the planning merit arguments raised by the appellants can play no part in my decision. I also note that an appeal has recently been dismissed

on 18 September 2024 for the change of use of the property to a Class C3 dwellinghouse (appeal ref: APP/U2615/W/24/3343521).

5. Therefore, I must take the Notice at face value, which has been issued to remedy the breach of planning control. That would not be achieved by the steps outlined by the appellants, as it would not remedy the breach of planning control, which is the purpose of the notice and planning permission would still be required.
6. Therefore, the appeals on ground (f) fails.

The Appeals on Ground (g)

7. The appeals on this ground are that any period specified in the notice falls short of what should reasonably be allowed. The appellant asks that the time for compliance is extended from 2 years, given the issues raised above surrounding not being able to sell the property, and that the property provides a home for their family, where they are receiving medical and social care.
8. I have great sympathy for the appellants and their personal circumstances. However, the key question for ground (g) is what is 'reasonable.' The appellants acknowledge that the Council have been generous providing a 2-year compliance period and have thanked the Council for this. I agree that 2 years is a generous period for the appellants to cease the unauthorised use and to find alternative accommodation. Furthermore, the Council confirm that they also have powers under s173A(1)(b) to extend any period for compliance if deemed necessary, a matter entirely at their discretion, without prejudicing their right to take further action.
9. On this basis, the appeals on ground (g) fails.

Conclusions

10. For the reasons given above I consider that the appeals should not succeed. I shall uphold the enforcement notice.

R Satheesan

INSPECTOR