The Planning Inspectorate

Appeal Decision

Site visit made on 8 August 2026

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 24 August 2026

Appeal Ref: 6009413
Land to the West of 21 Hemsby Road, Adjacent to SSAF Films, Martham, Norfolk, NR29 4WU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Steve Ashton (M Construction Services) against the decision of Great Yarmouth Borough Council.
- The application reference is 06/25/0272/F.
- The development proposed is detailed on the Decision Notice as 'Construction of new industrial unit (B2 Use Class).'

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the development from the Council's Decision Notice as this more accurately describes the use class being applied for. Additionally, the address has been amended from 'Land Opposite The Joseph Kite Centre and A47' on the Application Form to 'Land to the West of 21 Hemsby Road, Adjacent to SSAF Films' which is detailed on the Council's Decision Notice, and on the appeal documents, including the Appellant's Appeal Statement. I have therefore taken 'Land to the West of 21 Hemsby Road, Adjacent to SSAF Films' as the property address as this provides more accuracy to the site than the address stated on the Application form. I shall make my decision on this basis.

3. I note that the Council is in the process of adopting a new Local Plan which will replace the policies of the Great Yarmouth Core Strategy 2015 (CS) and Local Plan Part 2 (LPP2). Emerging Local Plan Policy HEC7 is referred to in the Decision Notice and relates specifically to the protection of amenity and living conditions and broadly reflects the design principles concerning amenity in CS Policy CS9 and is almost identical to LPP2 Policy A1. In my application of Policy DM4 of the Framework, whilst the ELP is not part of the adopted development plan, it is at an advanced stage in the adoption process, and according to the Council there have been no modification to the ELP Policy HEC7 or text which are relevant to this determination. However, I note commentary from the Council that the policy does however contain a number of outstanding objections in which the Examining Inspector may need to open the examination, which may result in amendments to this policy. In my opinion, the emerging policy HEC7 would appear to be consistent with the Framework, and I will afford this policy moderate weight in this appeal decision.

4. There appear to be some contradictions in the appeal documents and planning application as to what use class is being applied for. According to the Council the existing site has planning permission for Class B1[1] (Light industry and offices), which as a result of subsequent changes to the Use Class Order, this use is now incorporated into Class E (g) (iii) use class. The Appellant in their Statement of Case (SoC) has said that the proposed building "would be used as the existing building is," which would imply that the proposed building being applied for would also be a Class E (g) (iii). However, this statement made in the SoC is contradicted by the Application Form which the Application Description does not mention the use class being applied for, but the proposed increase in floorspace on the Application Form is stated as being new Class B2 light industrial floorspace. Additionally, there is no existing floorspace of the use entered as if extending the existing floorspace and use, the Application Form would show what was existing and that this was an extension to the previous use. The Council have therefore taken the application as being for Class B2 light industrial, and I have taken the same approach in my determination.

5. Taking the above into account, whilst it is not for me under a Section 78 appeal to determine the current correct and legal use class of the appeal site, it is open to the Appellant to apply for a determination under sections 191/192 of the Town and Country Planning Act 1990 if they believe the lawful use is different. My determination of this appeal under s78 does not affect the issuing of a determination under s191/192 regardless of the outcome of this appeal.

6. The Decision Notice contains two reasons of refusal, but revolve around the same topic of impact towards living conditions. For the avoidance of doubt, I will assess both reasons for refusal under the same topic of living conditions.

Main Issue

7. The main issue is the effect of the proposed development upon the living condition of surrounding residents, with particular regard to noise, sense of enclosure and outlook.

Reasons

8. The appeal site is a parcel of land at the end of Honeysuckle Barns, a cul-de-sac which provides access to some barn conversion type buildings and the appeal site. The appeal site contains a large single storey shed/workshop clad in metal which is used to provide printing and window graphic services for domestic and commercial properties and vehicles etc which as previously discussed, has consent for a Class E use. There is also a surrounding concrete and gravel surfaced yard surrounding the shed which provides storage and car parking facilities. Surrounding the site to the west are barn conversions for residential use, and to the north, east and south there are a number of residential dwellings being constructed as part of planning permission for 112 dwellings[2]. Many of the dwellings are two storeys and have their garden backing onto the appeal site, particularly those to the north and west.

9. In assessing development proposals, relevant policies include LPP2 Policy A1 and ELP Policy HEC7 which seek to ensure a high standard of amenity for surrounding occupiers which includes considerations around noise, nuisance and disturbance,

[1] Planning permission ref 06/09/0502/F
[2] Council Planning Reference: 06/20/0390/F

privacy and outlook, amongst others. CS Policy CS9 is a design-led policy which seeks high quality design which ensures that providing good living conditions to surrounding occupiers is achieved. LPP2 Policy B1 is directly related to the development of business uses and lists criteria around the appropriate placement within development limits, ensuring sites are well related and sensitive to their surroundings.

10. As discussed previously, the information given within the appeal documents do not add further detail as to what the B2 use would consist of[3], hence any permission of a B2 use could entail any use under this use class. The B2 use class is one which permits light industrial uses which can include the manufacture and associated machinery typical of which one would find in an industrial estate. Whilst the location is within the development limits of the settlement, the principle of a B2 use would not be well-related or sensitive to the surrounding residential development which would not completely satisfy LPP2 Policy B1.

11. Turning to living conditions, the proposed unit would be located quite close to the rear boundary with a setback of 2.6 metres. The building would have a ridge height of 4.6 metres. Given the small rear gardens of the properties to the north, which have an overall depth of 10 metres, the height of the proposed shed combined with the small setback, would still be quite prominently experienced within the rear gardens of plots 26, 27 and 28. The proposal would cause a poor outlook and a sense of enclosure with a blank metal clad industrial appearance to the end of gardens that would dominate the outlook and be detrimental to their living conditions. Whilst I can appreciate that topography of the site means that the appeal site is one metre lower, this only has a marginal difference in terms of mitigating the outlook of the building when assessing the particular chosen location. I also acknowledge the Appellant's willingness to undertake planting to screen the development, which although would take a long time to mature, would be a benefit that may be able to mitigate and soften some of the outlook and concerns around sense of enclosure.

12. Moving onto noise, as there has been no detail as to the potential B2 use, there is no ability to understand the noise generated by the development and whether this could be adequately controlled by conditions, and the suitability of such a use with relation to noise. An open B2 use could generate noise that would be unsuitable to be located within a residential environment such as this. Whilst the screening may be able to mitigate some noise, there is a need to fully define the B2 use, the operations and the resultant noise as a result. Without this information, there is not the ability to make a judgement that the proposed B2 use would be appropriate. Taking this into account, insufficient justification has been provided with regard to the B2 use, and therefore the proposal cannot satisfy LPP2 Policy A1, CS Policy CS9 or ELP Policy HEC7.

13. I can also appreciate the benefits of the proposed development in that it has economic benefits from short term labour from constructing the proposal, as well as benefits from the employment of people (7FTE), and the socio-economic benefits from the expenditure from workers to the local community. There are also environmental benefits in terms of increased planting which will benefit biodiversity and also raise the visual appearance of the site. Despite these benefits, these are

[3] The only detail given is that the existing use would continue, which is not a B2 use.

not enough to outweigh the harm caused to living conditions as a result of a B2 use.

14. Consequently, and in conclusion of this matter, the proposed B2 use is an unsuitable use for the appeal site which would cause detrimental impacts towards living conditions of surrounding residents. The proposal would therefore be contrary to LPP2 Policies A1 and B1, CS Policy CS9 or ELP Policy HEC7.

Conclusion

15. For the reasons given above, I conclude that the appeal be dismissed.

J Somers

INSPECTOR