

Application for Determination

Parish	Burgh Castle		
Reference	BA/2013/0089/CU	Target date	31.05.2013
Location	Church Farm, Church Road, Burgh Castle		
Proposal	Change of use from public house and restaurant to domestic residence		
Applicant	Dr and Mrs P Swallow		
Recommendation	Approval		
Reason referred to Committee	Referral by Director - Wider Public Interest		

1 Description of Site and Proposals

- 1.1 The application site is Church Farm in Burgh Castle and covers approximately 2.3 hectares. In terms of the wider area, Church Farm is located at the end of a narrow road on the western fringe of the village of Burgh Castle, approximately five miles south west of Great Yarmouth. The site sits to the south east of the entrance to Breydon Water, on a heavily treed foot of the valley side, overlooking Burgh Flats and Berney Marshes. Wide open views of the Broads can be experienced from the property.
- 1.2 Church Farm consists of a Grade II Listed farmhouse which was converted to a public house in the late 1980's. The unit also contains a large glazed restaurant; with a 60 covers lounge room and a 40 cover carvery area, and associated kitchens and six letting rooms above. An outside dining terrace and garden area seats an additional 500 people and faces Breydon Water to the west. A large steel barn, which was once associated with the former agricultural use, has been converted for use as a function room which covers 120 and a meeting room. The site was once associated with a larger tourist use covering camping and fishing facilities but these two elements were sold off in 2005.
- 1.3 The original building is two storeys high of a red brick construction with a red pan tiled roof and sits within the centre of the site looking south. The property has been extended significantly over time to the rear and west elevations including a large flat roofed glazed area. A number of outbuildings, including

the large steel barn sits to the south and a car park, which can hold approximately 60 vehicles, sits to the immediate east.

- 1.4 In terms of neighbouring properties and uses, a bungalow sits to the immediate east of the car park, on the cusp of the valley side, and an additional residential property sits to the south of the site. A number of properties line Church Road, the only vehicular access route into the site. A fishing lake sits to the south west. A number of caravan parks sit within the village of Burgh Castle as well as the Roman Hill Fort (Burgh Castle).
- 1.5 This application is for the change of use of the site (currently a mix of A4, A3 and C1) to a domestic residence (C3).

2 Site History

In 1991 a planning application was submitted for the change of use of the farmhouse to a guesthouse and change of use of tearooms to bungalow and public toilet. This application was allowed on appeal. *BA/1991/0036/HISTAP*

In 1991 a planning application was submitted for a change of use to a guesthouse. This application was approved. *BA/1991/1086/HISTAP*

In 1992 a planning application was submitted for a variation in the opening hours to allow the establishment to open until 12pm (7 days a week). This application was approved. *BA/1992/0116/HISTAP*

In 1994 a planning application was submitted for a change of use from barn to function room. This application was approved but for a temporary period only (until 11th July 1996). *BA/1994/0226/HISTAP*

In 1994 a planning application was submitted for the change of use of a garage to a snooker room. This application was approved. *BA/1994/0267/HISTAP*

In 1996 a planning application was submitted for the change of use of the barn to a function room. This application was approved. *BA/1996/0399/HISTAP*

In 1997 a planning application was submitted for a restaurant extension. This application was approved. *BA/1997/0429/HISTAP*

In 1997 a Listed Building Consent application was submitted for a restaurant extension. This application was approved. *BA/1997/0431/HISTAP*

In 1997 a planning application was submitted for a change of use of a dwelling for occupation in conjunction with Church Farm Country Club. This application was approved. *BA/1997/0435/HISTAP*

In 2000 a Listed Building Consent application was submitted for a restaurant extension. This application was approved. *BA/2000/0600/HISTAP*

In 2000 a planning application was submitted for a restaurant extension. This application was approved. *BA/2000/0601/HISTAP*

In 2001 a planning application was submitted for a part change of use from caravan fields to gardens. This application was approved.

BA/2001/0677/HISTAP

In 2001 a planning application was submitted for the erection of a single storey extension and alterations to form a toilet. This application was approved. *BA/2001/0678/HISTAP*

In 2001 a Listed Building Consent application was submitted for the erection of a single storey extension and alterations to form a toilet. This application was approved. *BA/2001/0679/HISTAP*

In 2002 a planning application was submitted for the replacement of a shower block and external lighting. This application was approved.

BA/2002/0748/HISTAP

In 2002 a planning application was submitted for the removal of the occupancy restriction condition on the bungalow. This application was approved. *BA/2002/0748/HISTAP*

In 2007 a planning application was submitted for proposed internal alterations and reconstruction of log cabin to restaurant with formation of new entrance. This application was approved. *BA/2007/0248/FUL*

In 2007 a Listed Building Consent application was submitted for proposed internal alterations and reconstruction of log cabin to restaurant with formation of new entrance. This application was approved. *BA/2007/0249/FUL*

In 2001 a planning application was submitted for the proposed demolition of existing bungalow and erection of new residential dwelling with garage. This application was withdrawn. *BA/2011/0105/FUL*

In 2011 a planning application was submitted for the resubmission of PP *BA/2011/0105/FUL* for the proposed demolition of existing bungalow and erection of new residential dwelling with garage. This application was approved. *BA/2011/0240/FUL*

In 2011 retrospective planning application was submitted for the formation of new front entrance porch and internal modifications and demolition of existing rear extension. This application was approved. *BA/2011/0100/FUL*

In 2011 a retrospective Listed Building Consent application was submitted for the formation of new front entrance porch and internal modifications and demolition of existing rear extension. This application was approved. *BA/2011/0101/LBC*

3 Consultation

Broads Society - No objections

Parish Council - We consider the application should be approved and no objections

District Member - No response

Great Yarmouth Borough Council Planning Department - No response

Highways Authority - No objections

Ancient Monuments Society - No response

Georgian Group - No response

Society for the Protection of Ancient Buildings - No response

Victorian Society - No response

Twentieth Century Society - No response

Council for British Archaeology - No response

4 Representation

None

5 Policies

- 5.1 The following Policies have been assessed for consistency with the National Planning Policy Framework (NPPF) and have been found to be consistent and can therefore be afforded full weight in the consideration and determination of this application.

Core Strategy (CS) (2007)

[Core Strategy \(Adopted Sept 2007\).pdf](#)

CS1- Protection of Environmental and Cultural Assets

CS22- Preservation of Employment Sites

Development Management Plan DPD (DMP) (2011)

[DMP DPD - Adoption version.pdf](#)

DP27- Visitor and Community Facilities and Services

- 5.2 The following Policies have been assessed for consistency with the NPPF and have found to lack full consistency with the NPPF and therefore those

aspects of the NPPF may need to be given some weight in the consideration and determination of this application.

Development Management Plan DPD (DMP) (2011)

DP5- The Historic Environment

DP28- Amenity

5.3 Material Planning Consideration

National Planning Policy Framework (NPPF) (2012)

[NPPF](#)

Recommended Site Specific Policies (SSP)

RP/XNS 6- Riverside and Broadside Pubs

6 Assessment

6.1 The main issues to consider in the determination of this application are the principle of the development, impact on the character and integrity of the Listed Building, impact on highways and impact on neighbouring amenity.

6.2 The principle of the change of use

6.2.1 Firstly it is considered appropriate to acknowledge the importance of community and visitor facilities such as public houses, restaurants and holiday accommodation, noting that Church Farm provides a mix of these uses, and particularly the contribution they make to the network of facilities available within the Broads.

6.2.2 The economy of the Broads is underpinned by tourism. The Broads is a popular tourist destination and tourism itself forms a strong and integral part of the cultural heritage of the Broads. Sites like Church Farm ensure that there are the facilities available to support visitors and form part of a defined network of facilities which contribute to the visitor offer on the Broads. Church Farm particularly can be seen and accessed from the river and forms one of a string of riverside pubs throughout the Broads and is therefore considered to be an important link in a wider network.

6.2.3 Facilities such as Church Farm, are equally as important to the local community in offering a social hub or meeting place for residents. These social hubs are particularly important to people who live remotely or within rural areas such as Burgh Castle. In addition, sites like this make an important contribution to the level of employment within the Broads, retaining such uses in turn allows for a greater diversity of people to live and work in the area.

6.2.4 Having outlined the important contribution that Public Houses and other facilities make it should also be acknowledged that Britain's Public Houses in general are under threat, being vulnerable to closure for a multitude of reasons, and Public Houses within the Broads are no exception to this rule.

- 6.2.5 Given the important and positive contribution community and visitor facilities make and the threat from closure of Public Houses in particular, both national and local planning policies support their retention. Specifically policies CS9 and CS23 of the adopted Core Strategy (2007) seek to support a network of tourism, recreational and community facilities throughout the Broads and CS23 specifically relates to the importance of waterside sites. Policy DP27 of the adopted DMP DPD (2011) is particularly relevant to this proposal and states that the change of use from community facility and services will only be permitted if (a) there is an equivalent facility available in the locality or (b) if can be robustly proven that the current use is economically unviable.
- 6.2.6 The emerging policies in the Site Specifics DPD include a policy on Riverside and Broads Pubs which seeks to protect them as a key part of the network of community, visitor and boating facilities. The NPPF (2012) specifically outlines the importance of supporting a prosperous rural economy and promotes the retention of local services, community facilities and public houses, acknowledging the contribution such uses make to the health and wellbeing of sustainable communities.
- 6.2.7 In terms of Criteria (b) of policy DP27 the applicant submitted an assessment to demonstrate that the current use is economically unviable. In assessing the application it is necessary to outline the information which was submitted, assess this and the conclusions that it reaches and examine other factors relating to viability.

Information Submitted in support of the application

- 6.2.8 The applicant at Church Farm claims that the use as a Public House and restaurant here is no longer viable, having suffered significant losses over the past three years. Given the important contribution sites like this make to the economic vitality, the network of local and community facilities available in the Broads and to the cultural heritage, in determining this application the LPA needs to determine whether the applicant's claims that the business is inherently unviable are well founded or not, and in doing so, determine if it can be concluded that there is no realistic prospect of that use continuing should permission be refused.
- 6.2.9 The application is accompanied by a viability assessment prepared on behalf of the applicant and information on the business accounts over the past three years to support their claims that the use has become economically unviable. This information has been assessed by an independent surveyor on behalf of the LPA.
- 6.2.10 The brief economic history of the property is as follows. The use of Church Farm as a Public House operated from the late 1980's. It is understood that the owner at the time had a period of comparative success within the 1990's as the property operated as a comprehensive tourist facility, including providing food and drink and possibly bed and breakfast accommodation. It is understood that there was then a short period of decline and the property was sold in 2003. The next purchasers bought in 2003 went into receivership in

2005. It was at this time that the fishing lakes and caravan site were sold off separately. The next purchaser ran the business for two years (ie to 2007) and then leased it out. The lessee went bankrupt in 2008 and closed the business down. The current owners purchased the property in 2009, spent some time renovating the building, saw losses in the first two years of trading and closed to the public in November 2011.

6.2.11 The brief marketing history of the property is as follows. The current owners, having experienced trading losses, put the property on the market in October 2010, but having failed to sell removed it from sale in July 2011. The estate agent describes a good response to the initial marketing campaign with 6407 people registered for an interest in obtaining a Public House in Norfolk and an initial 308 requests for more information on Church Farm. Two people visited the site, with one making an offer below the marketed price which was declined by the owners. Subsequent to this the owners continued to trade until November 2011 when the Public House was closed.

6.2.12 The main explanation given for the failure of the business is the remote location. Buses to Burgh Castle from the surrounding area are limited and therefore the business would be heavily reliant on car use. In addition, the information submitted by the applicant outlines that the difficulty of attracting visitors to this establishment was mainly due to the site being situated within a remote location at the end of a cul-de-sac. The argument is made that a street view is required for businesses such as this, which this property doesn't have, and advising that casual traffic would rarely make it to the end of the cul-de-sac especially given the positioning of other competing establishments en route through to Church Farm namely, Burgh Hall, the Queen's Head, the Fisherman's Inn and the Kingfisher Bar.

Assessment of Information Submitted

6.2.13 As explained previously, the information submitted has been assessed by an independent surveyor to assess the validity of the methodology and conclusions.

6.2.14 When looking at the accounts, it is advised that the accumulated losses of the first three years (one year renovation plus two years of trading) were substantial and that it was not realistic for the owners to carry this loss over into the following year, although it is acknowledged that there was a trend of gradual improvement. Whether or not this would have continued and whether or not the next year would have turned a profit would be a matter of speculation.

6.2.15 The property was put on the market from 21st October 2010 to 27th July 2011, a total of almost 9 months. The independent surveyor acknowledges that the applicant only received one genuine offer when the property was up for sale between 2010 and 2011. However, it is pointed out that the offer given was over the Fixed Asset Value of the building at the time, although this is strictly an accounting figure and not truly representative of the market value.

6.2.16 The independent surveyor found it to be clear that the business had declined generally over the past 10 years and attributes this to the location, the competition from other establishments, and the ad-hoc way in which the building has been extended making for an unattractive entrance to the site, spoiling important first impressions.

6.2.17 Overall, it is clear that this is a property that has struggled economically with two previous owners becoming bankrupt and two coming close to it. The independent surveyor also concludes that the current owners have demonstrated non-viability through the accounts and additional information submitted. However, whilst the financial struggles and locational difficulties are clear and are acknowledged, there are also a number of other factors which will contribute to the possible success or failure of a business, such as population density and demographic patterns, competition, visitor potential, management style, etc. As successful business operations contribute significantly to such remote areas and as there is a strong policy support for the retention of such uses, particularly in area which rely on tourism such as the Broads, it is considered essential to explore such other factors.

Other Factors Affecting Viability

6.2.18 Turning to the population density and demographic of the surrounding area, Burgh Castle is a rural parish with a population of 1,294 (ONS 2011). Taking the wider demographic of Great Yarmouth, which includes nearby parishes Bradwell and Burgh Castle, it is an area with typically low wages (60% of the population are either low earners or claiming benefits), above average levels of unemployment (6.9% in comparison with Norfolk at 3.09% and the national rate of 3.9%), and with an elevated ranking in the deprivation index (Great Yarmouth had a deprivation ranking of 54, which is the lowest in Norfolk, making it the most deprived area in the county). It is the case that the local population is unlikely to contribute greatly to the trade of this business. In addition the site does not appear to provide a social focus for local residents, as evidenced by the lack of responses to the consultation on the application.

Flexibility of the site

6.2.19 It is acknowledged that parts of the site which would have brought in an additional income have been sold off, namely the fishing lakes and camping facility. However the site is of significant scale, being 2.3 hectares, and there are other building which could facilitate diversification. Policies DP14 and DP15 of the DMP DPD (2011) support the appropriate expansion of existing tourist facilities and provision of additional holiday accommodation and it is noted that this does not appear to have been fully explored. However, it is also important to point out that there may be concerns over a significant increase in use of the site due to the poor access and lack of public transport links to the site and this is likely to limit any diversification opportunities.

6.2.20 Taking all of the above into consideration, it is considered overall that the property is not viable as a Public House and that the applicant has

demonstrated non-viability in accordance with policy criteria (b) of policy DP27.

Availability of Equivalent Facilities

6.2.21 Turning to criteria (a) of DP27, which outlines that the change of use would only be appropriate if it can be proven there are other facilities within the immediate area which serve the same need.

6.2.22 Information on the local demographic, as set out above, indicates that any leisure business here is likely to need to rely heavily on the tourist and visitor trade. Burgh Castle sits within 5 miles of Great Yarmouth which is a popular tourist town within the summer season not forgetting the site sits within the Broads which in itself generates huge visitor interest. A large number of camping and caravan parks are situated approximately 1km to the south of the site, indicating that there is a high potential for visitor use as tourism is actively encouraged within the area. Public and private moorings are situated approximately 1.2km to the south of the application site making for an attractive walk which takes in views of the river, the opening of Breydon Water and the marshes.

6.2.23 However, there are four other establishments within Burgh Castle within close distance to Church Farm namely:

- Burgh Hall- Approximately 1500m from Church Farm, within a caravan park with a public bar, American themed diner, and carvery.
- The Queen's Head- Approximately 400m from Church Farm, with music and entertainment, serves pub food and carvery and has accommodation and fishing facilities.
- The Fisherman's Inn- Approximately 1000m from Church Farm, sat on the river with mooring facilities, outside seating and serves food.
- The Kingfisher Bar- Approximately 1000m from Church Farm, situated within a caravan park, with music events and functions, and a public bar.

6.2.24 It is therefore acknowledged that there is a high level of competition within the area which responds to the tourist and local trade. Although there is a high visitor potential it is considered that the visitor needs are being met by the above establishments, particularly as the caravan parks tend to have their own bars which are open to the wider public.

6.2.25 Taking the above into consideration it is considered that there are suitable equivalent facilities available in the locality which serves the need of visitors and that the applicant has demonstrated this in accordance with policy criteria (a) of policy DP27.

6.3 Impact of the character and integrity of the listed building

6.3.1 Turning to the impact on the character and integrity of the Listed Building, there are no internal or external alterations proposed within this application. It

is however acknowledged that the change of use back to the property's original intended use may result in benefits to the character and integrity of the building. There may, for example, be the possibility of the removal of the later inappropriate extensions and there would also be less pressure to adapt the building when responding to commercial and operational needs.

6.4 Highway safety

6.4.1 Given that there would be a significant reduction in highway movements it is not considered that there would be an adverse impact on highway safety.

6.5 Impact on amenity

6.5.1 Given there would be a significant reduction in noise and disturbances it is not considered there would be an adverse impact on neighboring amenity.

7 Conclusion

7.1 Generally speaking, the change of use from a community facility is not supported by planning policy and the only circumstance where it might be considered acceptable is where it can be robustly proven that the current use is economically unviable or there are equivalent facilities in the area which serve the same need in accordance with criteria (a) and (b) of policy DP27. It is considered that the applicant has robustly proven both elements of Policy DP27 have been satisfied and therefore this application is regrettably recommended for approval.

8 Recommendation

8.1 Approve subject to the following conditions:

- Time Limit
- In accordance with plans
- For clarity only one unit of residential accommodation is permitted

9 Reasons for Recommendation

9.1 In the opinion of the Local Planning Authority the development is acceptable in respect of Planning Policy and in particular in accordance with National Planning Policy Framework and policies CS1 and CS22 of the Core Strategy (2007) and DP5, DP27 and DP28 of the Development Management Policies DPD (2011).

Background papers: BA/2013/0089/FUL

Author: Kayleigh Wood
Date of Report: 4 June 2013

List of Appendices: APPENDIX 1: Site Location Plan

APPENDIX 1

BA/2013/0089/CU - Church Farm, Church Road, Burgh Castle
Change of use from public house and restaurant to domestic residence

