



Compulsory Purchase Order Decision

Site visit made on 23 March 2021

by Joanna Gilbert MA(Hons) MTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 13 April 2021

Case Ref: APP/PCU/CPOP/Y2620/3245535

No 1, 1 High Street, Sheringham NR26 8JP

- The Compulsory Purchase Order was made under Section 226(1)(a) of the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981 by North Norfolk District Council on 15 January 2020.
 - The purpose of the Order is to secure the long-term regeneration of the Order Land and to ensure its contribution to the economic, social and environmental well-being of the immediate area and the town of Sheringham.
 - The main grounds of objection were redevelopment of the adjacent public car park and consequent effects on access to the seafront and beach, car parking for nearby residents and visitors, the historic and cultural environment, retail and tourism; the proposed housing not being affordable for local residents; and proximity of the proposed housing to public houses playing live music.
 - There are no remaining objections and two non-qualifying additional objections. One objection was withdrawn.
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Procedural matters and statutory formalities

1. The North Norfolk District Council (No 1, 1 High Street, Sheringham NR26 8JP) Compulsory Purchase Order 2020 (the Order) relates to land and premises on the High Street in the centre of Sheringham (the Order Land).
2. On 5 March 2020, the Secretary of State confirmed that, pursuant to Section 14D of the Acquisition of Land Act 1981 and applying the criteria in paragraph 27 of the Guidance on Compulsory purchase process and The Crichel Down Rules 2019 (the Guidance), the decision in this case had been delegated to an appointed Inspector.
3. The remaining qualifying objector and landowner, Huddies Ltd, formally withdrew their objection on 5 March 2021. Having allowed the Acquiring Authority (the Council) to provide an updated statement of case and the two non-qualifying additional objectors to provide further written responses, I confirmed that the case would proceed by means of written representations.

Decision

4. For the reasons given below and having regard to all matters raised, I confirm the Compulsory Purchase Order.

Reasons

The Order Land and Surroundings

5. Situated at the corner of High Street and East Cliff within the Sheringham Conservation Area, the Order Land consists of a three-storey late Victorian or early Edwardian building known formerly as the Shannocks Hotel and a small

length of footpath which provides pedestrian access between the rear of the building and Gun Street and High Street. The Order Land occupies a prominent position on Sheringham's seafront facing the Promenade and the beach. The Chequers public car park is located directly east of and outside the Order Land.

6. The building consists of a former bar and dance floor at ground floor with residential accommodation at first and second floors. It has been extensively altered over time. The building has been unoccupied for over ten years and is in a poor state of repair with significant damp. At the time of my site visit, demolition works had commenced only insofar as the removal of a small Council-owned building adjacent to the Order Land to assist in the development of the Order land itself.

Background to the Order

7. The landowner, Huddies Ltd, took ownership of the Order Land in September 2010. Correspondence between the Council and the landowner regarding the condition of the building commenced in 2011. In April 2013, a Section 215¹ notice was issued. However, due to issues serving that notice, a further Section 215 notice was served in March 2014 requiring significant works to repair the building's exterior. The Section 215 Notice was only partially complied with. Subsequently, in July 2015, the Council successfully pursued prosecution of the landowner with regard to non-compliance with the Section 215 notice. Further works were undertaken, but the notice was not complied with in full.
8. In October 2014, the Council undertook a building survey, which established that the building was not structurally unsound or dangerous enough to warrant action under the Building Act 1984. In keeping with advice set out in the Guidance, the Council pursued voluntary sale of the site from at least 2014 onwards, but no agreement was reached due to differences in valuations.
9. Correspondence between the landowner and Council continued in 2015. In October 2015, the Council resolved to continue to seek voluntary sale and pursue a Compulsory Purchase Order as a last resort. The landowner indicated their intention to judicially review the Council's resolution, though this did not proceed further. The landowner also confirmed that they intended to redevelop the site themselves.
10. Interaction between the landowner and the Council continued during 2016, including pre-application discussions and a refused application by the landowner to demolish the building. The Council also resolved to appoint consultants to develop a planning application for the Order Land.
11. In January 2017, the landowner submitted a planning application (Ref: PF/17/0192) for the demolition of the existing building and the erection of a four-storey mixed use building to include restaurant/shops and residential uses. Planning permission was granted on 25 October 2017. No work took place to carry out the planning permission between October 2017 and August 2018, when a further application (Ref: PF/18/1603) was submitted for the variation of Conditions 2 and 3 to allow a change of use of one of the units from restaurant/shop to restaurant/hot food and takeaway and for the demolition of the existing building prior to submission of details of the

¹ Town and Country Planning Act 1990 (as amended)

construction contract. Application PF/18/1603 was granted on 18 October 2018. This remains extant.

12. In late 2018, the landowner undertook tender processes for contractors and appointed party wall surveyors. A further application was submitted by the landowner to vary the approved first floor restaurant to residential accommodation. This was not validated as the Council considered that a full planning application was necessary. No further full planning applications were submitted by the landowner.
13. The landowner provided a revised delivery programme in 2018, which indicated that works would start on site in January 2019 for one year. Subsequently, the landowner confirmed their intention to demolish the building and undertake ground investigations from October 2019 onwards. The landowner's contractor submitted a Section 80² notice for demolition in November 2019. On 16 December 2019, the Council issued a Section 81³ Demolition Notice. A number of applications for discharge of conditions for planning permission PF/18/1603 were submitted on behalf of the landowner in January 2020. Four of these conditions were discharged in May 2020.
14. In addition, the Council also gained planning permission (Ref: PF/17/0468) for the site and the adjacent 34 space public car park for a mixed use development comprising four commercial units and ten apartments over three floors on 6 February 2018. This permission was subject to a condition requiring implementation within three years and has now expired.

Planning policy and guidance

15. It is necessary to consider whether the purpose for which the land is being acquired is consistent with the adopted Local Plan for the area. In this instance, the statutory Development Plan consists of the North Norfolk Local Development Framework Core Strategy incorporating Development Control Policies adopted September 2008 (CS) and the Site Allocations Development Plan Document adopted in February 2011.
16. CS Policy SS12 sets out Sheringham's development strategy. Identifying the town as a secondary settlement in the settlement hierarchy, amongst other things, it envisages the delivery of housing, retail provision appropriate to the town's small-shop nature, employment development, and defines Public Realm.
17. CS Policy SS5 deals with the economy, supports the provision and retention of a range of shopping, commercial, cultural and other uses, and maintains the tourist industry by encouraging new accommodation and attractions which will help diversify the offer and extend the season. It also defines town centres. Sheringham is categorised as a small town centre. The Order Land falls within the town centre as defined on the Proposals Map.
18. CS Policy EN5 addresses areas designated as Public Realm. While the Order Land itself does not fall within the designated Public Realm, it is situated directly south and west of designated Public Realm covering the Promenade and the Chequers car park. In such areas, it is expected that proposals will enhance an area's appearance and usability.

² Building Act 1984

³ Building Act 1984

19. As the Order Land lies within the Sheringham Conservation Area, CS Policy EN8 is relevant. In seeking to protect and enhance the historic environment, the policy confirms that development proposals, including alterations and extensions, should preserve or enhance the character and appearance of designated assets. Where a proposal involves the demolition of a non-listed building within a conservation area, assessment will need to be made of the contribution that the building makes to the architectural or historic interest of the area. Buildings which make a positive contribution to the character or appearance of an area should be retained. Where a building makes little contribution to the area, consent for demolition will be given if there are acceptable and detailed plans for redevelopment or after-use. The policy also encourages high quality design, townscape creation, and landscaping.
20. Though never formally adopted by the Council, the Sheringham Conservation Area Appraisal (Draft Summer 2013) characterises the building on the Order Land as “a plain and indifferently modernised building, marking the beginning of a visual “low point” along the seafront.”
21. Notwithstanding this, for any buildings or any other land in conservation areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.
22. The Council’s approach is in line with local policy and with the National Planning Policy Framework (the Framework). In addition to seeking to ensure the vitality of town centres and achieving well-designed places, paragraph 119 of the Framework provides that local authorities should identify and help to bring forward land that may be suitable for meeting development needs, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.
23. The Order is soundly based on local and national policy, and there is no suggestion that it should not be confirmed for any reason related to policy.

The promotion or improvement of the economic, social, or environmental well-being of the area

24. The building is undoubtedly prominent within the conservation area and can be seen in views of the town from the beach and the Promenade. The side and rear of the building is also highly visible in views from the Chequers public car park, from properties on Gun Street, and from the nearby frontage of The Crown Inn public house. It is located close to a number of buildings on High Street which are in residential or retail use, with The Two Lifeboats public house situated opposite.
25. It lies in a key location for tourism, upon which Sheringham is highly reliant. Close to the beach, it is within an area which experiences high tourist footfall at busy times. Indeed, the landowner’s heritage statement in support of its planning permission PF/17/0192 confirmed that the Order Land is an important and notable site, which offers a great opportunity for a new building to fully exploit its potential.

26. The building is dilapidated. Although I did not inspect the interior of the building during my site visit, it has not been suggested that the Council's assessment of the building's condition is factually inaccurate or that the landowner has carried out any improvement works internally since the Council last entered the building.
27. To my mind, the Order Land makes no positive contribution to the Sheringham Conservation Area in its current run-down, altered, and unkempt condition. It is reasonable to assume that the Order would assist in the delivery of a scheme which would enhance the local environment, including the conservation area and the adjacent areas of designated Public Realm. Furthermore, both the improved condition of the Order Land and the introduction of commercial uses would be likely to enhance the town's economy and tourism offer. I therefore find that there is justification for the acquisition as it would contribute to the achievement of the promotion and improvement of the economic and environmental well-being of the area.

Whether the purpose could be achieved by any other means and whether the scheme for which the land is being acquired is financially viable

28. Although there is no suggestion that the Order Land should remain as it is, some objectors have raised concerns about the possibility of developing the public car park adjacent to the Order Land as part of the scheme. However, the extant planning permission PF/18/1603 only relates to the Order Land itself, not the car park. Over and above the extant planning permission PF/18/1603 and the now expired planning permission PF/17/0468, no alternative, comprehensive approach to dealing with the Order Land has been put forward.
29. If the Order is confirmed, it is clear that the Council intends to bring forward development on the site. The Council has confirmed that it considers that there is nothing preventing the extant planning permission PF/18/1603 from being delivered by them within a realistic timescale. There is no suggestion that funding would not be available to bring forward development on the Order Land swiftly or that the viability of the planning permission PF/18/1603 is in doubt. Additionally, the Council has already committed considerable time and expense on seeking to enhance the Order Land through various processes.
30. The Council also stated that if the Order was confirmed, it would be possible to implement the planning permission PF/18/1603 or seek a further grant of planning permission. In the event that a further planning application for redevelopment was submitted, there has been no change in the planning policy context which would indicate that permission would be withheld. As such, there are no impediments to the implementation of development.
31. Both the planning permission PF/18/1603 and the implementation of any further planning application would allow the Council to comprehensively regenerate the Order Land. The only other mechanisms, aside from the Order, to secure the improvement of the Order Land would be for the sale of the site on the open market or for the landowner to demolish the existing building and redevelop the Order Land. If the site were to be sold, this would not necessarily mean that the Order Land would be redeveloped. Its sale would not be guaranteed. Despite repeated assurances from the landowner that they intended to redevelop the site, the use of the Council's statutory powers, and the fact that some progress has been made in terms of the landowner obtaining planning permission, this matter has been ongoing for a number of

years without any positive change on site. During that time, the Order Land has continued to deteriorate, causing harm to the local environment.

32. Furthermore, the Financial Statement for Huddies Ltd dated June 2019 indicated at that time that the company's liabilities exceeded its assets. This and the ongoing enforcement issues relating to other properties owned by individuals associated with the Order Land suggest that the landowner may not have the financial capacity to progress the planning permission PF/18/1603 or other proposals to regenerate the Order Land.
33. In this context of ongoing delay and lack of evidence of necessary funding on the part of the landowner, I am not confident that works to improve the Order Land and bring about its redevelopment would take place without the Order being confirmed. If the Order were confirmed, I consider that there would be a reasonable prospect that either the scheme approved via planning permission PF/18/1603 or another planning application would proceed.

Objections

34. While an objection was initially made to the Order by the landowner, this was withdrawn. The provisions of Article 1 of the First Protocol to the European Convention on Human Rights (ECHR), as incorporated by the Human Rights Act 1998, is engaged. However, in this instance, the interference is justified by a legitimate aim, namely the public interest, and the action is necessary and proportionate. Articles 6 and 8 of the First Protocol to the ECHR are not relevant in this instance as the landowner has withdrawn their objection and has chosen not to participate in a public hearing, and the Order Land is not occupied and no residents are affected.
35. With regard to other non-qualifying objections, a number of concerns were raised by Mr Wall and Ms Pearce, residents of nearby Gun Street. These concerns centred on the loss of the public car park adjacent to the Order Land and the provision of additional shops. Given its location close to the seafront and beach, I acknowledge that the car park has been an open space for many years and is well-used at busy times during holiday season and when events take place. It is particularly useful for families and older and disabled visitors to Sheringham as it allows for easy access to the beach and the seafront. It also allows for access to local shops and display of local artwork and provides scope for views of the sea for both long-term and short-term residents of adjacent historic cottages on Gun Street. Furthermore, given the limited number of parking spaces on Gun Street itself, the car park offers residents of Gun Street the ability to use it on an annual permit basis.
36. The extant planning permission PF/18/1603 does not include the public car park. If it were the case that the Council considered it appropriate to bring forward an alternative planning permission which involved redevelopment of the car park, local residents would be able to object at relevant stages in the Council's processes for property and planning decisions.
37. Reference has been made to a recent sinkhole in Sheringham. Any damage caused during construction processes is not a matter for the Order process. While I note concerns about the affordability of any new residential units on the Order Land and adjacent car park, and the scope for noise from live music at nearby public houses, these issues do not alter my findings.

Conclusion

38. The Order is soundly based on local and national planning policy. Furthermore, the Order Land is in poor condition, compromising the economic and environmental well-being of the area. There is limited evidence that the landowner is likely to improve the condition of the Order Land in the foreseeable future. I have little reason to question the viability of the planning permission PF/18/1603 or to doubt its likely completion with the benefit of the Order. There are no material impediments to the implementation of development. I have also had due regard to my obligations in relation to the ECHR.
39. Confirmation of the Order would meet the tests of Section 226(1)(a) of the Act, and would comply with requirements set out in the Guidance. Compulsory purchase should only be used as a last resort but, in this case, I consider that the action is fully justified and that there is a compelling case in the public interest.
40. For the reasons given above and having regard to all matters raised, I therefore confirm the North Norfolk District Council (No 1, 1 High Street, Sheringham NR26 8JP) Compulsory Purchase Order 2020 without modification.

Joanna Gilbert

INSPECTOR