

Appeal Decision

Site visit made on 22 May 2017

by Richard Schofield BA(Hons) MA MRTPI

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

Decision date: 6 June 2017

Appeal Ref: APP/Z3445/W/16/3161687

St Catherine's Community Church, Tamworth Road, Two Gates, Tamworth, Staffordshire B77 1EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Reverend Oliver Harrison against the decision of Tamworth Borough Council.
 - The application Ref 0194/2016, dated 6 April 2016, was refused by notice dated 2 August 2016.
 - The development proposed is two detached three bedroomed dwellings on the site of St Catherine's Community Church, Tamworth Road, Two Gates (including garages).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether, having regard to the requirements of local planning policy for neighbourhood centres, the appeal site is an appropriate location for the development proposed.

Reasons

3. The appeal site is located within what the Tamworth Borough Council Local Plan (the Local Plan) defines as the Tamworth Road, Two Gates neighbourhood centre. This is clearly defined, on the Local Plan's accompanying Policies Map, as site NC6.
 4. These centres are described as being important in meeting the day-to-day needs of local residential areas and, as such, their roles are protected. Such protection is articulated by Local Plan policy EC4. This is explicit that new development or proposed changes of use within neighbourhood centres should maintain or enhance the range of uses available. It is clear that neighbourhood centres are suitable for retail, leisure and employment uses, and services and facilities serving community needs. Medium-higher density residential development may be appropriate where it is above ground floor level, to support local services.
 5. The appeal proposal would be for two houses. As such, on its face, it conflicts with policy EC4 as it is hard to see how such a proposal would either maintain or enhance the range of uses available in, or that are considered suitable for, a neighbourhood centre. In addition, the scheme would include residential development at ground floor level, in conflict with the policy's restriction on such.
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6. Local Plan policy SU6 protects community facilities in Tamworth. Places of worship fall under this description. Loss of community facilities is supported provided that it has been demonstrated that there is insufficient use or demand for use to maintain the existing facility **or** that adequate alternative provision is in place in a nearby accessible location.
7. It was evident from my site visit that the building has not been in use as a church for some time. This is not, of itself, evidence that there is insufficient demand for use of the facility. Indeed, although I have no reason to doubt that it is a prefabricated building of some vintage, it did not appear to be in bad repair and there is no evidence before me to suggest that it is in any way unsound or unusable should there be a demand for it.
8. It is asserted that the building has been offered to local community groups but that no interest has been forthcoming. There is nothing before me to support this assertion, however, and as such the proposal would fail to meet the first relevant criterion of policy SU6.
9. Nonetheless, it was apparent from my site visit that opportunities for worship are available at the nearby, accessible Holy Trinity church where the appellant is the vicar. This being so, the loss of the facility as a church would meet a relevant criterion of policy SU6 and, thus, comply with the policy overall.
10. I am not unsympathetic to the appellant's situation and it may well be that residential development is the only suitable alternative use for the site. There is, however, no evidence before me to suggest that the building and/or site have been actively marketed for uses in line with policy EC4, which would maintain or enhance the range of uses available in the neighbourhood centre.
11. I conclude, therefore, on the basis of the evidence before me, that having regard to the requirements of local planning policy for neighbourhood centres, the appeal site is not an appropriate location for the development proposed. The appeal proposal would conflict with the requirements of the development plan, as noted above.

Other Matters

12. The appellant has made much of the fact that Planning Committee members decided not to follow the advice of their officer in this instance, by refusing planning permission for the appeal scheme. This is, of course, something that they are perfectly entitled to do, providing that sound reasons for refusal are given, as they have been. It is not a matter for me to consider further.
13. It may be that the appeal building is a liability to the owners and that there is a need to get it 'off the books'. This is not of itself, however, a sound reason to grant planning permission for a proposal that conflicts with the adopted development plan.
14. It may also be that benefit could arise from directing proceeds from a sale of the appeal site to the maintenance of the Grade II listed Holy Trinity church. There is not, however, any evidence before me to demonstrate that any profits would be ring-fenced for such investment.
15. Representation was made by the occupier of 40 Highcliffe Road, concerning potential impacts from the proposal upon their living conditions. As I am

dismissing the appeal for other reasons, however, I do not pursue this matter further.

Conclusion

16. For the reasons given above, and taking all other matters into consideration, I conclude that the appeal proposal would conflict with the development plan when taken as a whole and, as such, that the appeal should be dismissed.

Richard Schofield

INSPECTOR