

---

## Appeal Decision

Site visit made on 19 March 2020

**by K A Taylor MSC URP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: Tuesday, 02 June 2020**

---

**Appeal Ref: APP/W0530/W/19/3243498**

**Land adjacent 39 New Road, Guilden Morden, Royston SG8 0JN**

- 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 M Fox, Rose Lane Gospel Hall Trust, Plymouth Brethren Christian Church (PBCC) against the decision of South Cambridgeshire District Council.
  - The application Ref S/3750/18/FL, dated 2 October 2018, was refused by notice dated 4 July 2019.
  - The development proposed is erection of barn style Gospel Meeting Hall, parking and access.
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Rose Lane Gospel Hall Trust, Plymouth Brethren Christian Church (PBCC) against South Cambridgeshire District Council. This application will be the subject of a separate Decision.

### Procedure Issue

3. The site address is taken from the decision notice as this is more concise and also used in Section D of the appeal form.

### Main Issues

4. The main issues are (i) whether the appeal site forms a suitable location for development having regard to the national and local Planning Policies; and (ii) whether users of the proposed development would be provided with adequate opportunities to travel by means of sustainable transport modes.

### Reasons

#### *Suitable Location*

5. Policy S/7 of the South Cambridgeshire Local Plan 2018 (LP), restricts new development which is outside of the village development framework to safeguard encroachment into the countryside as shown on the policies map. It sets out the criteria for those exceptions. Criterion (2) states that "*outside development frameworks, only allocations within Neighbourhood Plans that have come into force and development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside or where supported by other policies in this plan will be permitted*".

6. The National Planning Policy Framework (the Framework) sets out that decisions should aim to achieve healthy, inclusive and safe places. At paragraph 82, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities such as places of worship to enhance the sustainability of communities. Take account and support delivery of local strategies to improve health, social and cultural well-being for all sections of the community and to ensure an integrated approach to considering the location of community facilities and services.
7. Paragraph 84 of the Framework acknowledges community needs in rural areas may have to be found adjacent to or beyond existing settlements. It also encourages the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
8. The appeal site is a vacant parcel of land which is directly adjacent to the property of No.39 New Road, outside of the designated village framework of Guilden Morden. Therefore, by definition this would be within the countryside. The proposed development would be for a standalone barn style gospel meeting hall with a new access and parking provision for the Rose Lane Trust on behalf of the Plymouth Brethren Christian Church (PBCC), serving only their congregation. The use of the hall would be used for worship and religious instruction only and would not permit social and recreational use.
9. As such, it would fall outside the criteria of Policy S/7 of the LP being within a development framework, the appeal site is not allocated within a Neighbourhood Plan and the use would not be agriculture, horticulture, forestry or outdoor recreation.
10. Looking now at '*other uses which need to be located in the countryside*'. The appellants 'Planning Statement'<sup>1</sup> which forms part of the evidence, sets out a catchment for 12 households, with only two of the households actually living within the Guilden Morden area with the rest living in surrounding villages. In consideration of this, and the further evidence in the appellant's statement on projections including that there would be 63 members of the congregation living within a three-mile radius by 2021. I have no substantive evidence to support these figures or projections, or that this clearly demonstrates a local need, if only the use would serve two households in the village.
11. Moreover, it appears that the gospel hall congregation is not limited to local residents, the catchment area is wide and the appellant states at paragraph 3.28 of the appeal statement that '*it will function as a rural satellite to the main Gospel Meeting Hall in Biggleswade*'. As such, I am not satisfied, that the use would serve only the local communities of those living within the immediate area and/or adjoining settlements. Furthermore, this does not clearly demonstrate or justify that the proposed use of the building as a gospel meeting hall would need to be located within the countryside and outside of the development framework.
12. The planning statement includes a '*Sequential Search for Gospel Hall Site*' and advises that members of the congregation have been looking for a suitable site of building in the Mordens / Westlingworth area for some years. However, it only identifies five other sites (excluding the appeal site), with these either

---

<sup>1</sup> ALP aragon, Land and Planning Ltd: Planning Statement 15/003

being in private ownership including existing dwellings, owners not willing to sell or being inappropriate. Despite this, it does appear from this evidence as to whether these sites could even have been considered to be deliverable alternatives in the first instance as active considerations. I acknowledge that it is unsustainable and unreasonable to have large groups of people gathering for worship in a house. However, I would agree with the Council as to why there were no sites shown within the development framework as part of the planning application.

13. Further evidence has been put forward as part of the appeal, including a letter from a commercial property company<sup>2</sup>, which appears to be ominous in detail and sets out a strict criterion for finding land and buildings by the appellants. It details the properties on the market but considers that it would be unlikely that sites would be suitable for conversion and that a new build property would more likely meet the specific requirements.
14. Therefore, from the evidence before me, it is inconclusive as to the reasons why there are no comparisons to any land being available and not just conversions if the requirement was for a purpose-built new property. I acknowledge that the trust has already purchased the appeal site in 2017 but the site ownership is a neutral consideration. However, it appears somewhat confusing in the evidence as to the reasons why the appellants have now carried out a search for alternative locations in 2019.
15. Moreover, it appears the alternative sites have been excluded on assumptions, the sites would come at a high price and the congregation would not walk or cycle to these locations, even though these fall within the appellants distance criteria. Nonetheless, the appellant has generally set out the reasons why those additional sites were dismissed. However, Policy S/7 does not require that it is necessary to consider alternative locations if the proposal cannot be satisfactorily accommodated within the development framework area.
16. The last criteria of Policy S/7 (2) relates to whether the site is *supported by other policies in the plan (LP)*. In the evidence before me, I acknowledge the objectives of Policy S/2, Policies SC/3, SC/4 and SC/6 of the LP. Policy SC/3 specifically relates to the loss of a village service, including community buildings and meeting places, places of worship or health facilities that are already established. Policies SC/4 and SC/6 relate to the provision of facilities and services as part of new settlements and housing delivery. As such, I do not consider these policies are relevant to support or justify the proposed development, being the creation of a new standalone building on a greenfield site, outside of the development framework.
17. For the reasons above, I conclude that the proposed development would not fall within the exceptions or be an 'other use' which needs to be located within the countryside and is not supported by other policies within the LP. This results in the proposals being in an unsuitable location, within the countryside, outside of the development framework. It would be contrary to Policy S/7 of the LP, as I have set out above, and for which is necessary to ensure the countryside is protected from gradual encroachment on the edges of villages and restricts development outside of development frameworks. Furthermore, this is policy is consistent with the aims and objectives of the Framework.

---

<sup>2</sup> Robinson + Hall, Land and Property Professionals, Ref DRW.PDS.45710: Dated 10 December 2019

### *Sustainable travel*

18. The Framework at paragraph 84 recognises that community needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport. However, this does not come without being caveated that it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (e.g improving the scope for access on foot, by cycling or public transport).
19. Furthermore, the Framework also promotes sustainable transport, in particular paragraph 108, requires that applications for developments have appropriate opportunities to promote sustainable transport modes, given the type of development and its location, safe and suitable access to the site can be achieved for all users. Paragraph 110 also places emphasis of development should give priority first to pedestrian and cycle movements, and second to facilitate access to high quality public transport.
20. There is little in the way of day to day services and facilities within Guilden Morden. The proposed development would be a considerable distance away from the centre of the village and is physically separated towards the south and east by the vast amounts of open countryside which surround it. Nonetheless, the development would still be located between the village boundary and the existing properties along New Road, including being adjacent to No.39. Having also had regard to the High Court judgement<sup>3</sup> regarding the Framework, which the appellant has referred to and the physical location of the appeal site, it would not result in an isolated location in the village itself.
21. However, the site is not served by public transport with the nearest bus stop some distance away with limited service. I acknowledge the travel plan and encouragement of members to walk and cycle, but as I observed on my site visit New Road is narrow, unlit and has no pedestrian footways, meaning it would be a treacherous and long journey on foot from the nearest bus stop and for any users of the proposed development. It would be difficult to safely navigate the road, particularly in the winter months when the meetings are in the evening.
22. As such, it would not be easily accessible and future users of the development would be largely reliant on the private motor car to access its facilities. Despite, limited journeys and households travelling together, there would be minor negative environmental and social effects arising from the countryside location in terms of the use of natural resources and the accessibility of local services. It would therefore be in conflict with the Framework, which requires that applications for developments have appropriate opportunities to promote sustainable transport modes and provide safe and suitable access for all.

### **Other Matters**

23. I understand other developments have been granted by the Council in nearby areas. I have been provided with limited details of them, although there may be some similarities with the appeal scheme these were not assessed against Policy S/7 of the LP and related to redevelopment of an existing site with built

---

<sup>3</sup> Braintree District Council v Secretary of State for Communities and Local Government & Ors [2017] EWHC 2743 (Admin)

form. The appellant suggests that the Council have been inconsistent in their approach, but this does not affect the precise circumstances of the appeal scheme. I have also had regard to the appeal decisions which have been brought to my attention, particularly the Hickshead Cottage<sup>4</sup> and Yelverton Business Park<sup>5</sup> appeal decisions, but the individual circumstances of the cases differ from the proposals before me, including that they were assessed against other policy context, and there were allowances for where the provision provides overriding or essential community needs outside existing settlements, unlike the scheme before me. In any event, the appeal needs to be determined on its individual merits on the basis of the evidence before me.

24. I recognise that no objections were raised from third party consultees for the proposals. Moreover, the Council did not make findings of harm with respect to other matters including, amongst other things, design, living conditions, highway safety, ecology, landscape, trees, flood risk and drainage. I have no reason to disagree with these findings. However, the absence of harm in these respects is a neutral matter weighing neither for nor against the proposal.

### **Conclusion**

25. The proposed development would be contrary to the development plan and the Framework, taken as a whole. There are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan.
26. For the reasons given above I conclude that the appeal should be dismissed.

*KA Taylor*

INSPECTOR

---

<sup>4</sup> APP/D3830/W/16/3165875

<sup>5</sup> APP/Q1153/W/17/3180732