



Appeal Decision

Site visit made on 29 March 2022

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2022

Appeal Ref: APP/V0510/W/21/3267476

**Grange Farm, Red Lodge Karting Centre, Red Lodge Link Road,
Chippenham IP28 8LE**

- 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 Nigel Carter against the decision of East Cambridgeshire District Council.
 - The application Ref 20/01231/FUL, dated 17 September 2020, was refused by notice dated 6 January 2021.
 - The development proposed is the change of use to offices and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are
 - a) whether or not this is an existing community facility, and, if so, whether it has been shown its loss is justified and
 - b) whether it would result in undue reliance on private motorised transport for access.

Reasons

The community facility

3. The karting centre now on the appeal site comprises a winding race track, together with a 2-storey administration and service block, and a collection of smaller ancillary buildings. It lies about 900m outside the village of Red Lodge, though customers travel some distance to the facility.
4. It is proposed to convert the 2-storey block to offices, and remove nearly all the other outbuildings. Prior to the commencement of this use, the track would also be taken up, together with the associated infrastructure along its route, and would be grassed.
5. Policy COM3 in the *East Cambridgeshire Local Plan* (2015) concerns the retention of commercial and non-commercial community facilities. Its overall thrust is to ensure such facilities are not lost unless certain criteria are met. This, to my mind, is in line with the *National Planning Policy Framework* (the Framework), which recognises the importance of such facilities in the health and well-being of communities.

6. In the supporting text to the policy, it is said community facilities include local shops, Post Offices, pubs, community meeting places, schools, health care facilities, cultural facilities and sport and recreation facilities. Therefore this is not a 'closed' list, but other uses could also fall within the definition. Moreover, by expressly referring to '*commercial*' community facilities, and noting the list of uses cited, the policy clearly concerns a broader range of uses than just charitable, voluntary or public sector facilities such as church halls and playing fields, but encompasses businesses too.
7. It is also apparent that the policy does not concern just Assets of Community Value (ACV) (although they could well fall under the terms of the policy). ACVs are identified for very precise and specific reasons outside of the policy framework, and I anticipate that their owners would be well aware of such a designation due to the surrounding formal process it would entail. In contrast, Local Plan Policy COM3 is far more wide-ranging. It does not and, realistically, cannot formally identify specific individual sites or uses that fall within its terms beyond the broad definitions given above. Whilst owners may not be aware the policy applies to their property, this does not mean the authority of the policy should be diluted.
8. On my reading of the policy, and having regard to the above points, the existing operation at the appeal site appears to fall under its definition of a commercial community facility, by being a sport and recreation use. Therefore, its retention is subject to the terms of that policy. However, even accounting for the 'open' nature of the list, it not reasonable to consider the proposed use within the definition.
9. Although seeking to retain commercial community facilities, this policy does not resist their loss all together. Rather, it states that the loss of existing commercial community facilities will only be permitted in certain specified instances. Of these, the one of greatest relevance to this appeal is if it can be shown the current use or an alternative community use is not financially viable, and all reasonable efforts have been made to sell or let the property for community purposes at a realistic price for at least 12 months. This therefore goes beyond the viability of the existing operator or even the type of use now on site, and seeks some form of demonstration that no other alternative community use can viably operate from there. Given the importance afforded to such facilities and the positive benefit they can bring to communities, I consider this to be a reasonable requirement.
10. Whilst the appellant has sought to demonstrate that the existing operation is not viable, I have insufficient information before me to show all reasonable efforts have been made to sell or let the property to an alternative community use at a realistic price for at least 12 months. I therefore cannot be confident that the site would not appeal to a similar operator that had a slightly different business model, or indeed would not be taken up by another type of community use altogether. I therefore find that the development does not comply with the policy in this regard.
11. The appellant has also emphasised the high demand for office space in the area. Even if I were to find the submitted evidence confirmed this, that is not a matter that supports the loss of such facilities under the terms of the policy.
12. The 2 other instances where a loss of such facilities is accepted are where the development would involve the provision of an equivalent or better

replacement community facility, or where it would involve the provision of an alternative facility that would bring demonstrably greater benefits.

13. Where 2 closely located commercial community facilities provide the same or a similar service, to my mind it could be a reasonable material consideration, in support of the closure of one, that such a loss would increase the likely continuation of the other. Moreover, it could be argued that such an approach would comply with one of the 2 other instances in Local Plan Policy COM3 given above. The appellant is making such a point here, contending that the closure of this karting centre would be to the benefit of another motor sports facility that lies near to the site. However, whilst karting may be available there too, I am unclear as to how comparable that is to what is available at the appeal site. That nearby business also seems to offer a wider selection of motorsport activities, while it is further from the village, and I have little evidence to show its financial state or whether its long-term survival necessitates the closure of the Red Lodge Karting Centre. As such, any benefits there may be for that nearby business do not justify the loss of the existing community facility at the appeal site.
14. Accordingly, I conclude that the loss of this commercial community facility would not be acceptable under the terms of Local Plan Policy COM3, and so would conflict with that policy and guidance in the Framework.

Accessibility

15. There are no pavements or street-lights along the road between this site and either Red Lodge or the nearest bus stops. Consequently, those travelling to and from the site are unlikely to walk there or use bus services. Although a relatively fast road, there is good visibility and I see no reason why cycling could not be a suitable means of accessing the development, but generally I consider there would be a reliance on private motorised transport.
16. However, the existing operation draws customers from an area that is far wider than that reasonably expected with this office use. Furthermore, insofar as it is a community facility for Red Lodge, the nature of the road means people already are unlikely to walk here or come by bus.
17. Therefore, I conclude that the proposal would not increase reliance on private motorised transport or disadvantage those who did not have access to such transport. Consequently, any conflict with Policy EMP3, which requires reused buildings in the countryside to have either cycle or pedestrian connections, would not justify dismissing the appeal.

Other Matters

18. I have no evidence to show this development would prejudice or conflict with any minerals or landfill sites in the vicinity.
19. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* says development should be in accordance with the development plan unless material considerations indicate otherwise. In assessing such material considerations, I am aware that the proposal would result in the loss of a variety of buildings as well as the circuit and its associated apparatus. This will not only bring some visual benefits to this rural landscape but will also bring increased tranquillity by removing a noisy use. As this built development is not so intrusive though I afford this benefit only moderate weight.

20. It was contended too that, notwithstanding any development plan conflict, flexibility should be applied in relation to office space and the promotion of economic development in rural areas in line with Local Plan Policy EMP3. To my mind though it has not been shown there is a lack of suitable sites within the settlement, or that there is a lack of other suitable buildings not in use for commercial community facilities around the village.
21. It was also noted the use of the site could change under 'permitted development'. I have no evidence though that such a change would occur or that any prior approval that may be necessary would be granted or forthcoming. Accordingly, I afford that contention limited weight.
22. Finally, even if the site at present is also be defined as an employment use under the development plan, that could apply to may commercial community facilities and I see no reason why, on the evidence before me, it should justify putting aside or out-weighting Local Plan Policy COM3.
23. Overall, I therefore consider that any benefits arising from these points, even if taken together, do not justify a decision otherwise than in accordance with the development plan.
24. Information has been given about a variety of other matters including alternative schemes for the site, the relationship between the owners, and breaches of condition but these matters do not have a bearing on my reasoning.

Conclusion

25. Accordingly, I conclude the appeal should be dismissed.

JP Sargent

INSPECTOR