



Appeal Decision

Site visit made on 21 September 2022

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2022

Appeal Ref: APP/L3625/W/21/3288783

Subud Hall, Allingham Road, Reigate RH2 8HX

- 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 Mr Steve Dance of Subud Britain against the decision of Reigate & Banstead Borough Council.
 - The application Ref 21/00679/OUT, dated 17 March 2021, was refused by notice dated 16 November 2021.
 - The development proposed is described as Use of site for three residential dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description in the banner heading above is from the application form. The proposal was revised during the consideration of the application, to be for two dwellings. The Council considered the proposal on this basis and so shall I.
3. The application is made in outline with all matters reserved for future consideration. I have considered the appeal on this basis. I have regarded plans indicating the site access, layout and dwelling design as illustrative only.
4. The Council did not refuse planning permission due to the effect of the proposal upon a non-designated heritage asset. However, having regard to the evidence before me, observations at my visit and the matters in interested party representations, I have sought the Council's and the appellant's views in respect of this matter. I have taken these into account in determining this appeal, and this is reflected in my setting out of the main issues below.

Application for costs

5. An application for costs was made by Subud Britain against Reigate & Banstead Borough Council. This application is the subject of a separate Decision.

Main Issues

6. The main issues are:
 - the effect of the proposal upon a non-designated heritage asset; and,
 - whether or not the proposal is compliant with planning policies for the loss of community facilities.

Reasons

Non-designated heritage asset

7. The appeal site is 19th century Victorian brick building fronting Allingham Road, which has been extended. However, it retains what appear to be many of its original forms and features. This includes the original brick and stone arched window openings which include an attractive central 3-light window above the porch, smaller gothic window arches either side, 3 over 3 pain windows along the side elevations, between brick buttress type wall features. Internally it has exposed beam roof structures in the main spaces.
8. I am informed the property was built as a Mission Hall and school in 1889. The Council's conservation officer advises it was the local congregational church for South Park, and for Lady Henry Somerset of Reigate Priory. It was designed by the good local architect T.R. Hooper of Redhill. While it might be considered as relatively simple in its design perhaps reflecting its purpose or budget, it is still well-detailed an attractive building of architectural merit.
9. Two large stones mark its construction in May 1889, one of which was laid by Lady Henry Somerset. Lady Henry Somerset was well travelled, but an important person in Reigate in the 19th century. As the owner of Reigate Priory, she was the manorial landlord and owner of most of Reigate. She was a religious philanthropist, temperance leader and campaigner for women's rights. I am informed she fell out with the established Church of England, and the appeal site building became her local place of worship. In 1890 she was elected as president of the British Temperance Movement, and in 1895 started the Duxhurst Colony for Inebriate Women for the treatment and rehabilitation of women, based outside Reigate. She has a statue on The Embankment. The evidence before me suggests Lady Henry Somerset was an important historic figure and the appeal site building was a project that embodied her work.
10. While the building does not feature in the 2014 local list and there might be more significant buildings on that list, this is not definitive in itself for determining whether a building constitutes and non-designated heritage asset (NDHA), or its value. The Planning Practice Guidance (Ref 18a-040-20190723) advises there are a number of ways that NDHAs can be identified. Although not locally listed, this does not preclude a building from being an NDHA.
11. The building is a well-detailed building of local brick which by virtue of its design and position is a key building in the street scene. It was originally designed by a known local architect, it is a locally unusual building type, and is associated with a historically significant figure. The conservation officer considers it to be an NDHA. That the building might not have been purchased during the marketing period, is not a measure of its heritage significance and value. There will undoubtedly have been a variety of factors influencing decisions of prospective purchasers.
12. While the evidence before me is rather limited, from what is before me, due to its historic, architectural and associative values, I consider the building to be an NDHA of medium significance and value. Paragraph 203 of the National Planning Policy Framework (2021) (the Framework) states the effect of an application on the significance of a NDHA should be taken into account in determining the application. By demolishing the building, this appeal proposal

involves the demolition of the NDHA, resulting in its loss. There is no demonstration that an understanding of the NDHA has informed the proposals.

13. For the reasons set out above, based upon the evidence before me, the proposal would result in the loss of a NDHA. The proposal would conflict with Policy NHE9 of the Reigate and Banstead Development Management Plan (2019) (the DMP) and Policy CS4 of the Reigate and Banstead Core Strategy (2014) (the CS) insofar as these aim to protect, preserve, where possible enhance NDHAs, and NHE9 also requires applications must be supported by a clear understanding of significance, demonstrate how this understanding has informed the development, will affect its significance, and any necessary justification proportionate to the importance of the heritage asset.

Community facilities

14. Paragraph 93 of the Framework states that decisions should plan positively for community facilities and guard against the unnecessary loss of valued facilities. Policy CS12 of the CS resists the loss of community facilities unless the use is surplus to requirements. Policy INF2 of the DMP also resists their loss, unless it's demonstrated it would not have an adverse impact upon the vitality, viability, balance of services or evening economy of the surrounding community. It requires: demonstration of reasonable attempts for at least 6 months to let or sell for the existing use or for another community facility; or that its loss would not result in a shortfall of local provision of this type.
15. The appeal site is owned and was used by Subud Britain as a place of worship (use class F1), but this congregation has disbanded. Since 2018 it has been hired out to other organisations. A church uses the whole building on Friday evenings and Saturdays, a playgroup uses it one day per week for 4 hours and other users are mainly evening users. Much of the time it is empty. Despite management by a volunteer, after costs I am informed the site generates an annual average income of approximately £2,000.
16. The term 'Local' is not defined by Policy INF2 or the Council. Given the journey times, I see no reason why 3 miles is not considered 'Local' for this type of facility. The appellant's map shows a number of places of worship and educational facilities in the area. There are 23 alternative facility locations listed for community uses and occasional hire, within either 1, 2 or 3 miles of the appeal site. The detailed information of the facilities indicates these are suitable community facilities for site users.
17. While used by various groups, the substantive evidence does not demonstrate that there is a demand to use the site that cannot be satisfied elsewhere locally. The evidence leads me to conclude there is not a shortfall of existing local facilities for community uses and groups in the local area. There is no other substantive evidence that would lead me to conclude the proposed development would have an adverse impact upon the vitality, viability, balance of services and/or evening economy of the surrounding community.
18. Annex 3 of the DMP sets out marketing requirements for Policy INF2, including demonstrating an active marketing campaign for a continuous period of at least 6 months. It advises the Council could require a longer marketing period for facilities of importance to the local community.

19. Based upon the evidence before me the building has been offered for sale. The Council does not object to the nature of the active marketing or suggest the marketing and evidence provided does not meet the detailed technical requirements set out in Annex 3 required by criteria (a) of INF2. However, it considers the periods of the Covid-19 pandemic lockdown would have had a significant impact upon potential purchasers to view the building, access finance, and resulted in general future uncertainty. On this basis a longer marketing period would have been reasonable during 2021 once lockdown was eased and the vaccine roll-out provided more certainty.
20. The appeal site was marketed between 5 March 2020 – 15 March 2021. The Council has not provided substantive evidence that demonstrates the building is of particular importance to the local community to merit a period of marketing in excess of 6 months, or if so, how much longer this should be. Nevertheless, the marketing period was over double the minimum requirement, including periods when no restrictions were in place. There were 17 enquiries and 13 subsequent viewings. This suggests there was sufficient opportunity for prospective purchasers to view the property.
21. Changes to the Use Classes Order (UCO) on 1 September 2020 resulted in the use of the site changing from D1 to F1, removing a number of permitted uses. Only 4 enquiries related to the existing use, with most others in Class E. No enquiries by users for a Class F1 resulted in an offer. The UCO changes may have inhibited a sale.
22. While some formal offers were made, none proceeded with purchase. This is said to be primarily due to the site not fully meeting their needs, or, a lack of bank finance. The pandemic may well have resulted in some restrictions upon access to finance. However, markets will be subject to fluctuations. There is no substantive evidence provided that would lead me to conclude restrictions were not sufficiently mitigated by the length of marketing, or what greater marketing period the Council feels is necessary in view of the circumstances.
23. Towards the end of the marketing period, an enquiry was made to use part of the building as an editing suite (Class E) the income from which would subsidise the community use of the front of the building. The marketing report states that proposal was felt was less appropriate to the area than a new residential use. However, it is not clear why this is. What appears to be a prospective purchaser states that an unconditional offer was made, the offer still stood in April 2021. While representations were made at the application stage, there is no representation to the appeal to suggest it still stands. I do not have the full details of the formal written offer, confirmation of the proof of funds before me. Therefore, I attribute it limited weight.
24. Based upon the evidence before me reasonable attempts have been made without success, for at least 6 months to sell the premises for its existing community use or for another community facility that meets the needs of the community. Given the length of marketing that took place, the existing use of the facility, and the availability of other facilities in the local area, this leads me to conclude that all the relevant policy tests have been met.
25. Therefore, for the reasons set out above the proposed development is compliant with planning policies for the loss of community facilities. It does not conflict with the requirements of Policy CS12 of the CS or Policy INF2 of the DMP, the relevant provisions of which I have set out above.

Planning & Heritage Balance

26. The proposal is for the loss of an NDHA. Paragraph 189 of the Framework states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance. Paragraph 203 of the Framework states that in weighing applications that directly or indirectly affect NDHAs, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Policy NHE9 of the DMP states that weight should be given to the conservation of the asset and a balanced judgement made having regard to the extent of harm or loss and the significance of the asset.
27. The proposal would result in a modest economic benefit during design and construction, and once complete a small on-going spend in the local economy and support to local services and facilities. The evidence suggests there would be some benefit to an organisation with a charitable status. Even if housing need were acute, the provision of two new homes, would be a small contribution to supply and small overall benefit. If the development were to secure an increase in biodiversity by suitably worded planning conditions, having regard to scope for this at the site, it is likely a modest benefit could be achieved in the longer term.
28. It is suggested that the existing use results in adverse highway and parking effects. While my visit can only represent a brief snapshot in time, there was a good level of on-street parking available and a steady and free flow of traffic. There is not substantive evidence of a highway or parking benefit. Even if I were to assume there is likely to be a benefit, it would appear that at best it is likely to be modest. The appellant suggests there might be small benefits as a consequence of a reduced built footprint upon drainage, and there would be likely to be future new on-site SUDS infrastructure. Overall, the benefits of the development attract limited weight in favour of the scheme.
29. The proposed development is compliant with policies for the retention and management of the loss of community facilities. Based upon what I saw and the evidence before me, the building appeared well-maintained, in reasonable condition with no obvious significant defects. However, in the event the appeal is dismissed, whether it could or would ultimately be retained or rented for future community hire, or put to an alternative use, is not clear. However, there is no evidence stating it would cease use entirely.
30. The appellant informs me the building could be demolished without the need for an express planning permission. However, the appellant also suggests they are not proposing to demolish the building and it is not put to me the building would be demolished if this appeal were dismissed. There are no detailed proposals for an alternative development scheme advanced to me. Therefore, it appears to me that while there might be a greater than theoretical possibility that a fall-back position could take place, it attracts limited weight.
31. Were I to agree the proposed development would, or subject to the imposition of suitably worded planning conditions, could be made compliant with policies such as those in respect of matters such as the living conditions of future and neighbouring occupiers, arboricultural protection, landscaping, renewable energy and resource efficiency, vehicle charging, parking and refuse standards, communications, design, character and appearance, these would all be neutral matters in the planning balance.

32. However, the proposed development would result in the loss of an NHDA, which based upon the evidence before me is of medium significance and value. This attracts moderate weight against the scheme. Therefore, the benefits of the development, policy compliance and the fall-back position, do not outweigh the harm. In consequence the proposal conflicts with Policy NHE9 of the DMP and the aims of paragraphs 187 and 203 of the Framework.

Conclusion

33. The proposed development would be contrary to the development plan and the Framework taken as a whole, and there are no considerations advanced, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR