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# Appeal Decision

Site visit made on 9 May 2023

**by H Wilkinson BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 June 2023**

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**Appeal Ref: APP/J0405/W/22/3309876**

**15 Albert Street, Buckinghamshire, Aylesbury HP20 1LY**

- 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 N Ghera against the decision of Buckinghamshire Council - North Area (Aylesbury).
  - The application Ref 22/02921/APP, dated 18 August 2022, was refused by notice dated 21 October 2022.
  - The development proposed is described as the change of use from FI (Church) to C3 (residential).
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposal on the provision of community facilities.

## Reasons

3. The appeal property lies within a residential area characterised by high density, terrace housing and occupies a mid-terrace location. The building was formerly used as meeting place by the Christadelphian Church until February 2022. As a place of worship, the building is regarded as a community facility for the purposes of Policy I3 of the Vale of Aylesbury Local Plan 2013 - 2033 (Local Plan).
4. Local Plan Policy I3 advises that proposals for the change of use of community buildings and facilities for which there is a demonstrable need will be resisted, unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. To assess the viability of the existing use, the said policy requires that the site/use has been marketed for a minimum period of twelve months at a price commensurate with its use together with proof there has been no viable interest. In addition, details relating to the presence of alternative local facilities and the community benefits of the proposed use are required.
5. Due to a decline in membership, the appeal property was advertised for sale by public auction in April 2022 and was subsequently purchased by the appellant in June 2022. Whilst I have regard to the charitable objectives and legal requirements outlined within the CHBS<sup>1</sup> representation, the period of marketing

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<sup>1</sup> The Christadelphian Hall and Buildings Society

nevertheless fell short of the twelve-month period required by Local Plan Policy I3. Moreover, the submitted evidence fails to demonstrate that the property was advertised as a community facility, at a price that is commensurate with its use. Consequently, whilst I note that the building was advertised publicly prior to the auction with relatively limited interest registered, based on the evidence before me, it is not possible for me to firmly conclude that there is no demonstrable need for the community facility. In addition, whilst it has been put to me that there are several other places of worship within the area, it has not been demonstrated that these would be of better or equivalent provision as set out in Policy I3.

6. For these reasons, I find that insufficient evidence has been provided to justify the permanent loss of the existing community facility. The loss of the community facility is therefore contrary to Policy I3 of the Local Plan and would also contradict the social, recreational, and cultural objectives of the National Planning Policy Framework.

### **Other Matters**

7. I observed on my site visit that Albert Street is extremely narrow owing to the road width and abundance of on-street parking. I also appreciate the highway issues experienced by residents because of these factors and the limited onsite parking provision. However, the appeal site lies within the built-up settlement of Aylesbury and is accessible by various means of transport including bus and foot. Access to the site is therefore not dependent on private vehicles. Under these circumstances and given the lack of substantive evidence before me to demonstrate that the continued use of the appeal building as a community facility would be prejudicial to highway safety, I have no reason to consider that the use of the building as a dwelling would be of benefit in this regard.
8. In coming to this view, I recognise that alterations to the appeal building would be limited, and that the proposal would contribute to the supply of housing in the area. However, given the scale of the proposal, the benefit would be relatively limited. This therefore does not outweigh the conflict with the development plan.
9. I also acknowledge the appellant's comments regarding the costs associated with leaving the appeal building vacant and their frustration concerning the lack of response to their correspondence of 20 October 2022. Nevertheless, these matters have no bearing on my considerations of the merits of the appeal proposal.

### **Conclusion**

10. Having regard to the development plan as a whole and all other relevant material considerations, including the Framework, the appeal is dismissed.

*H Wilkinson*

INSPECTOR