



Appeal Decision

Site visit made on 3 October 2023

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2023

Appeal Ref: APP/N1730/W/23/3319510

Warbrook Cottage, Warbrook Lane, Eversley, HOOK, RG27 0QP.

- 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 R Gurr against the decision of Hart District Council.
 - The application Ref 22/00755/FUL, dated 1 April 2022, was refused by notice dated 8 November 2022.
 - The development proposed is the erection of a single storey side extension, replacement of window to ground floor front with double doors, blocking up of garage doors and window to the ground floor side to facilitate the change of use from garage to church hall and creation of new access to the public highway.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey side extension, replacement of window to ground floor front with double doors, blocking up of garage doors and window to the ground floor side to facilitate the change of use from garage to church hall and creation of new access to the public highway at Warbrook Cottage, Warbrook Lane, HOOK, RG27 0QP in accordance with the terms of the application, Ref 22/00755/FUL, dated 1 April 2022, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Main Issues

2. The main issue is:
 - Whether the site lies in a sustainable location to accommodate the proposed use as a church hall.

Reasons

Background

3. The appeal site comprises a detached house with a large garden incorporating a large outbuilding currently used as a music/games room and a double garage, which lies at the western edge of the village of Eversley. This has a dispersed and sporadic form with small groups and ribbons of development stretched along local roads away from the main centre of the village as shown on the annotated aerial photograph on page 4 of the appellant's agent's statement.
4. Although the proposal is made by a private individual the appeal statement refers to the Plymouth Brethren Christian Church and that the church hall would be operated by Reading Gospel Hall Trust which provides and maintains meeting halls in the wider Reading Area. The Statement says that a local meeting hall would serve a small neighbourhood of 30-40 people. Moreover

the halls are used solely for religious services and no other social activities. The proposed hall is intended to serve eight households.

5. I note that there is a permission granted on appeal in 2021 under ref. APP/N1730/W/21/3273187 to use the garage as a dwelling.

Policy context

6. In policy terms the Warbrook Cottage lies within the village boundary but the site of the garage/outbuilding does not. The Council says that the area in which the proposed church hall would be created has to be regarded in policy terms as located in 'open countryside'.
7. The Council also refers to saved policies from the Hart District Replacement Local Plan, and Alterations to this, however these were adopted in 2006 prior to the first issue of the Framework. Policies GEN1 and GEN2 do not refer to the general need to facilitate sustainable development and this limits the weight that can now be given to them.
8. Section 9 of the National Planning Policy Framework seeks to promote sustainable transport where the planning system should actively manage patterns of growth where significant development should be sited in locations which are or can be made sustainable by limiting the need to travel and offer genuine choices of transport modes. Nevertheless, guidance in paragraph 105 of the Framework makes clear that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Moreover, paragraph 85 on supporting a prosperous rural economy indicates that planning decisions should recognise that sites to meet 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.

Principle of development and whether sustainable location

9. Policy NBE1 sets out limited exceptions for appropriate development in the countryside and parts (d) and (h) are relevant to this appeal scheme. I am satisfied that the proposal would be a community facility in terms of (d) and it would largely be based on the conversion of a previously used permanent building and the use would be appropriate for a village community. In relation to Policy INF5 this supports new community facilities where three aspects are met including the site being sustainably located and accessible by transport modes.
10. Although the appeal site lies just outside the settlement boundary it appeared to me at the site visit that visually and physically the site is well related to the dispersed form of the village where development is strung out along many rural roads and four separate development boundaries identified. There is a ribbon of detached houses on the northern side of Warbrook Lane almost opposite the appeal site.
11. In terms of accessibility the site does not seem to be in a location served by buses and the times of religious services would be outside usual bus operating times in rural areas. However, the detailed breakdown of proposed hall users supplied by the appellant sets out the distance of households from the hall. These vary from around a mile to about three miles. They are within reasonable walking and cycling distances and the submission also stresses that the congregation would use car sharing.

12. To my mind this is consistent with the operation of many village services and facilities where users employ a variety of modes of transport depending on the weather, time of day and personal ability. The fact that Warbrook Lane is unlit and with no footpath (but grass verges) is not an unusual feature of village life in such an area.
13. The Parish Council is concerned that a map of the distribution of the homes of the intended congregation shows a different spread to that submitted with the current appeal, however, this appears to have been assessed about 4 years ago and changes to the congregation are not unexpected. Nor is the information presented about doubt over the future management and ownership of the hall relevant to the current appeal. There is no clear reason why I cannot take the appellant's current submission at face value.
14. Overall, bearing in mind the national guidance set out in paragraph 8 above, I am satisfied that the proposed church hall use is well related to the existing local pattern of development and would be in a sustainable location consistent with normal village life and the rural economy. I find that the proposal does not materially conflict with the provisions of Policies NBE1 or INF5.

Other Matters

15. The Parish Council and local people also raise other objections to the scheme on other grounds. In terms of access I note that the highway authority now raise no objection to the new access proposed and it appeared to me that this would have adequate visibility to the lane as well as sufficient car parking and space for vehicles to turn. The fence proposed would not be prominent to the public realm outside of the site and a structure of the height proposed would not normally need planning permission. Moreover, I am satisfied that the change of use and minor extension together with the proposed parking and manoeuvring space would not have an imposing or harmful effect on the character and appearance of the area. These aspects therefore do not constitute substantial or material adverse effects.

Planning balance

16. On the main issue I have found that whilst the appeal site lies outside but adjoining the settlement boundary it reads as part of the village. Taking into account relevant national guidance the use of the existing building as a church hall would be a reasonable location in relation to the dispersed form of the village and which should generally be regarded as a sustainable location. Overall, the proposal does not conflict with provisions of the development plan when read as a whole. This state is not outweighed by other considerations and therefore the appeal should be allowed.

Conditions

17. The Council recommends various conditions which I have numbered in sequence and consider them below. Where the conditions are 'pre-commencement' ones the appellant's agent was notified of their form and I have taken account of any representations made. The appellant would prefer the conditions to refer to a 'place of worship' rather than a use as a 'church hall' but that is not what has been applied for and I have used the term set out in the application.

18. In addition to the standard condition on the commencement of development (No.1) it is necessary to list the plans and documents that the permission relates to (No.2) in the interests of clarity and certainty. Given that the site lies in a residential area it is reasonable and necessary to impose No.3 on restricting 'permitted development' rights as other uses in the same use class may not be appropriate in this area and they could have a different level of activity and impact. Likewise, the implementation of the Noise Management Plan is necessary to ensure that the use does not result in material noise problems.
19. Condition No.4 should be imposed to ensure that the external materials match the existing building in the interests of amenity along with No.8 on additional landscaping for similar reasons. Conditions 6, 7 and 9 are necessary to ensure that the hall has adequate parking and manoeuvring space along with the implementation of a travel plan to help facilitate sustainable transport.
20. I will also impose condition No.10 to avoid a harmful effect during any building operations but make it clear that this only relates to construction work and not the operation of the hall itself. Finally in the interests of biodiversity the development permitted should help provide reasonable facilities to accommodate and promote local species.

Conclusion

21. For the reasons given I conclude that the appeal should succeed.

David Murray

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the following plans and documents:

Proposed Floor Plans, Elevations and Roof Plan (19-012 PL3-03 Rev B)
Proposed Church Building and Car Parking)19-012 PL-03 Rev(received by the Local Planning Authority on 1st April 2022)

Noise Impact Assessment prepared by DAA Group dated 20/02/22
Supporting Planning Statement prepared by Inception Planning
(received by the Local Planning Authority on 6th April 2022)

Letter from Owner dated 20th April 2022 relating to Bats
(received by the Local Planning Authority on 6th May 2022)

Site Location plan, existing block plan and proposed block plan 19-012 PL-01 G
(received by the Local Planning Authority on 7th June 2022)

Existing Floor Plans, Elevations and Roof Plan (19-012 PL3-02 Rev A)
(received by the Local Planning Authority on 12th October 2022)

Further statement and supporting documentation
Arboricultural Assessment (received by the Local Planning Authority on 12th October 2022)

3. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning(General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification) and the Town and Country Planning (Use Classes) Order 1987 (as amended), the use hereby approved shall be limited to a church hall (use class F1(f)).
4. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
5. Prior to commencement of the use hereby permitted the measures set out in the Noise Management Plan of the Noise Impact Assessment prepared by DAA Group dated 20/02/22 received by the Local Planning Authority on 6th April 2022 must be implemented in full.
6. No part of the use hereby permitted shall be occupied until the vehicle parking spaces have been provided in accordance with the approved plans. The vehicle parking spaces shall be permanently maintained and remain available for the parking of vehicles at all times.
7. No building shall be occupied until details of secure and covered cycle parking /storage for users of the approved development shall be submitted to and approved in writing by the local planning authority. The cycle storage / parking

shall be implemented in accordance with such details as may be approved before occupation of the development hereby permitted, and shall be permanently retained in the approved form for the parking of cycles and for no other purpose.

8. Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the local planning authority. The details shall specify species, planting sizes, spacing and numbers of trees/ shrubs to be planted, and any existing trees or shrubs to be retained.

Planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the building(s).

Any trees or plants which, within a period of 5 years from the date of the planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species or otherwise as approved in writing by the local planning authority.

9. Prior to first use of the site as a Church Hall, details of the travel arrangements to and from the site for users of the Church Hall in the form of a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include but not be limited to:

Details of travel information pack to be provided to users of the Church Hall outlining up-to date walking, cycling and bus maps, relevant bus and rail timetable information, promotion of staff car sharing;

Details of secure on-site bicycle storage areas for users of the Church Hall.

Details of on-site electric car charging provision (where appropriate)

Once agreed, the approved Travel Plan measures shall be implemented and the relevant travel information packs shall be updated annually.

10. No construction work on the site or delivery of material shall take place at the site except between 07:30 hours to 18:00 hours on weekdays or 08:00 to 13:00 on Saturdays and no construction work on the site or delivery of materials shall take place on Sundays, Bank Holidays or Public Holidays
11. Prior to the first use of the building as a Church Hall use hereby approved, details of biodiversity enhancement and/or net gain shall be submitted to in writing and approved by the Council. Measures may include native hedge or tree planting on external areas, installation of swift bricks or bat boxes on the elevations of the building or other measures.