



Appeal Decision

Site visit made on 30 October 2023

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2024

Appeal Ref: APP/V1260/W/23/3318201

St Peters Church Hall, 10 Chapel Road, Poole BH14 0JU

- 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 Paul Bloomfield of Ashdrew Ltd against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/22/01228/P, dated 2 September 2022, was refused by notice dated 27 November 2022.
 - The development proposed is demolish Church Hall and replace with a new development of six houses with associated parking.
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Decision

1. The Appeal is dismissed.

Preliminary Matters

2. The application was made in outline with landscaping reserved for future determination. Insofar as any details of landscaping have been provided on the submitted plans, I have treated these as indicative.
3. Reference is made within the Council's Reason for Refusal two to a failure by the appellant to submit elevations of the existing building on the appeal site. As part of my site visit, I have been able to appreciate the existing building in relation to the proposed development and, as such, have not considered this element further.
4. During the appeal a signed Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 was submitted to mitigate the impacts from future occupiers on the integrity of European Sites and their features. This is a matter I will consider later.

Main issues

5. The main issues in this appeal are:
 - The effect of the proposed development upon the provision of community facilities or services; and
 - The effect of the proposed development upon the character and appearance of the area and the setting of Ashley Cross Conservation Area.

Reasons

Community facilities

6. Policy PP26(3) of the Poole Local Plan 2018 (PLP) seeks to retain sites currently or last used for community facilities. It identifies that development which leads to the loss of such premises will only be permitted where the proposals provide sufficient community benefit to outweigh the loss of the existing facility or service. In addition, one of two further criteria must be met.
7. At Paragraph 8.16, the supporting text to PP26 indicates that community benefits could include replacement with a different type of community space. The paragraph continues that the community benefit should be proportionate to that which is lost and the extent to which the loss of the facility contributes to the decline of facilities and services to local people.
8. In this instance, the appellant refers to the benefits that would be derived from the re-investment of the funds generated from the sale of the building on the appeal site into the major church reordering project at St Peter's Church. This is aimed at transforming the Church into a multi-purpose arts venue and community hub. From the details before me, this would include the provision of a new kitchen and café area, meeting rooms and a refurbished space for wider community use, amongst other things.
9. In relation to funding for the reordering project, the appellant has confirmed that the appeal site is Parochial Church Council Property and, as such, any funds from the sale of the appeal site can only be applied to capital ecclesiastical projects within the Parish. The major reordering project is cited as one such example. I also note that whilst no planning or listed building consents are in place for certain elements of the reordering project, due to Ecclesiastical Exemption, this may not be necessary, although there is no substantive evidence before me to demonstrate whether this is the case.
10. On the basis of the evidence before me, whilst there is currently no planning mechanism, such as a Section 106 Agreement in place, given the unique nature of the land ownership of the appeal site, I am satisfied that other mechanisms exist to ensure that funds from the sale of the appeal site are used for specific purposes, which include the reordering project. Neither do I have any reasons to doubt the overall objectives of the Church and its commitment to the delivery of the reordering project, especially considering the level of commitment made to date in terms of works carried out at St Peter's Church.
11. As a consequence, I find that the proposed development would deliver a community benefit, which is sufficient to outweigh the loss of the existing facility.
12. Turning to the first criterion of PP26(3), which requires there to be no substantial decline in the range of facilities and services for local people, the appellant has identified a number of nearby facilities, which include St Peter's Church, that would be available to local people.
13. The inside of St Peter's Church comprises a large, open space, which is considerably bigger than the building on the appeal site. To my mind, whilst the size and layout of the internal space may impact upon its ability to support certain activities, it provides flexibility for the space to be adapted to suit the

individual user's requirements. Moreover, given the lack of fixed pews, this would enable the space to be opened up as required. Furthermore, the provision of new toilets and improved access would further increase its attractiveness.

14. From the evidence before me, it appears that a number of community users already utilise St Peter's Church. Overall, I accept that the internal arrangement of St Peter's Church may have some limitations, but I do not find these to be so significant as to lead me to conclude that it would adversely restrict the range of activities and classes that could take place within it. As such, I find that St Peter's Church represents a suitable facility for local people to use.
15. As well as St Peter's Church, I have been referred by the appellant to a number of other alternative spaces which they consider would be available within a 300m radii of the appeal site. From the evidence, these include a range of buildings and facilities, some of which are different in their nature to the appeal site. Nonetheless, it is clear from the detail before me that there are a number of other facilities available within close proximity of the appeal site. I have no substantive evidence to raise any doubt that these facilities would not be available.
16. In conclusion, in relation to criteria one of Policy PP26(3), whilst the appeal site may represent a long-standing and unique community facility, I find that there are other facilities, including St Peter's Church, that are available within the area. I accept that this is likely to result in some change, including the type of building and the spaces available, however, given the presence of these spaces I do not find that the loss of the facility on the appeal site would result in a substantial decline in the range of services and facilities available to local people.
17. In relation to the second criteria, it is the appellant's view that the condition of the building is such that it is no longer viable to operate and needs major investment to bring it up to the required standard. I do not seek to bring into question the improvement works that are needed, however, it is clear from the evidence that there is a strong need for community space within the area and that the appeal building has adequately met this need over a considerable number of years and continues to do so.
18. Neither is there any evidence to demonstrate that the site has been marketed as a community facility. Nor is there any evidence before me to show that alternative proposals which retain some aspect of a community use in a redevelopment scheme have been explored. Whilst I recognise that such alternative proposals may ultimately prove to be unviable, without this evidence, I am unable to conclude that it is not feasible to support its continued existence. As a consequence, given the need for the facility and the lack of detailed evidence to demonstrate that a feasible option is not possible, compliance with criterion (b) of PP26(3) is not demonstrated.
19. The appellant has indicated that prior approval to the demolition of the existing building has been granted. Should this happen, the appellant identifies that the community use would be lost. From the evidence before me, there is nothing to suggest that the building would remain untouched should I dismiss the appeal. Equally, especially given the existing users who still operate from the building, there is no reason for me to conclude that demolition would occur

in the absence of a permission for its redevelopment. I have therefore attributed limited weight to the position that the building could be demolished.

20. In conclusion, whilst I find that it has not been adequately demonstrated that the facility is no longer needed and it is not feasible to support its continued existence, I do find that the proposed development would not result in a substantial decline in the range of facilities and services for local people and that it would deliver sufficient community benefit to outweigh the loss of the existing facility. As such, there would be no conflict with Policy PP26(3) of the PLP.

Character and appearance

21. The appeal site is located on the northern side of Church Road at its junction with Chapel Road. It is occupied by an existing, single storey brick-built building, which is positioned centrally within the plot. At the southern end is an undeveloped, open area, to the north is an informal parking area. Surrounding vernacular is varied with a mix of older and more recently constructed buildings.
22. To the south lies the Ashley Cross Conservation Area (ACCA), whose boundary runs along the southern boundary of the appeal site. Within this part of the ACCA, buildings tend to be relatively modest in scale and comprise rows of terrace properties, located close to the footway edge.
23. The proposed development would involve the replacement of the existing single storey building on the site, with a row of six terraced properties. The properties would be positioned closer to the road than the existing building, with individual gardens to the rear. Off road car parking would be provided in a communal parking area at the northern end of the site.
24. The surrounding area is predominately residential and comprises a mix of styles of dwelling types and sizes, all set within a range of plot sizes. Properties to the north and east, along Church Road and Chapel Road, tend to have larger plots and as a result, the urban grain is less dense. In contrast, to the south, within the ACCA, dwellings tend to be smaller and as a result, are set within smaller plots, giving a tight, urban grain, with properties located hard up against the carriageway.
25. To my mind, due to the location of the site outside of the ACCA, along with the nature of the existing development on the appeal site, I consider that the appeal site has more in common with the development to the north. As such, whilst the plot sizes of existing development to the south may be comparable to those of the proposed development, I find the proposed plot sizes to be out of keeping with the general character of the area. This would result in a cramped appearance, indicative of overdevelopment. As a result, the proposal would introduce a pattern and form of development which would be out of keeping with and harmful to the character and appearance of the area.
26. I have also been referred to recent residential developments that have taken place in the vicinity of the appeal site, with these schemes being highlighted as examples of development which supports the design approach adopted on the appeal site. Whilst I accept that a number of the examples are similar in their design and appearance to the proposed development, I am not familiar with all

the circumstances around these other cases. In any event, I am required to determine the appeal on its own merits.

27. The southern part of the existing site currently comprises an undeveloped and open area. Whilst this area is not a formal area of open space and is privately owned, its presence nonetheless, makes an important contribution to the openness of this part of the street scene. It also serves as an important aspect to the setting of the ACCA to the south, allowing views of the buildings along the southern side of Church Road. Furthermore, whilst the design and appearance of the existing building on the site is very much one of a functional building, its position within the plot and its relatively low height, maintains the distinct sense of spaciousness, which I consider to be important to the setting of the ACCA.
28. The proposed development would result in the loss of this open area, with the end part of the terrace being sited on this part of the appeal site. Due to the increase in built form when compared with the existing building on the site, this would result in a reduction in the overall feel of spaciousness at this location, which would harm the character and appearance of the area and fail to preserve the setting of the ACCA. Furthermore, whilst the overall design of the proposed development would preserve the setting of the ACCA, given its size, scale and position, I find that the proposed development would represent a prominent form of development that would fail to preserve the setting of the ACCA. Accordingly, I conclude the proposal would cause less than substantial harm to the significance of the ACCA as a designated heritage asset. Paragraph 208 of the National Planning Policy Framework (The Framework) requires such harm to be weighed against the public benefits of the proposal.
29. I have considered the provision of six new dwellings, in an accessible location in relation to local services and facilities, in terms of their contribution to the supply of housing in the area, especially where it is accepted that the Council are unable to demonstrate a five-year supply of housing land. I have also considered the contribution that the proposed development would make in respect of supporting local services and facilities and providing investment during construction, along with the proposed improvements to highway safety, other environmental improvements and the CIL contribution.
30. Whilst on the first main issue I have concluded that the proposed development would deliver sufficient community benefit to satisfy the tests set out in Policy PP26(3), given this benefit is a requirement of that policy, I have given it little weight.
31. Having considered the identified benefits of the proposed development, I find that, given the national importance to the protection of heritage assets, compared with the relatively modest scale of the development proposed and the associated benefits, I find that they only carry moderate weight and, as such, would not outweigh the less than substantial harm I have identified to the setting of the ACCA. Furthermore, whilst it is agreed that the Council are unable to demonstrate a five-year supply of housing land, I find that these issues are likely to be temporary, whilst the harm to the setting of the ACCA would be permanent.
32. For the reasons outlined above, I therefore conclude that the proposed development would harm the character and appearance of the area and would cause less than substantial harm to the setting of the ACCA, a designated

heritage asset. In the absence of any significant public benefits to outweigh this harm it would be in conflict with Policies PP27, PP28 and PP30 of the PLP. The proposed development would also conflict with the aims of The Framework as it would fail to sustain the significance of the designated heritage asset where the public benefits would not outweigh the harm.

Other Matters

33. The appeal site lies within 5km of the internationally protected Dorset Heathland SSSI, which is also part of the designated Dorset Heathlands Special Protection Area (SPA) and Ramsar Site, and also the Dorset Heaths Special Area of Conservation (SAC). It is also within close proximity to Poole Harbour, which is a SPA, SSSI and Ramsar Site.
34. The appellant has provided a Unilateral Undertaking (UU) as part of the appeal. This secures a financial contribution towards the Strategic Access Management and Monitoring (SAMM), as sought by the Council. However, given my conclusion on the other main issues, it is not necessary or appropriate for me to carry out an Appropriate Assessment as required under The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). Thus, given my overall conclusion on the main issues it is not necessary for me to consider this matter in any further detail.

Planning Balance

35. It is accepted by both parties that it is not possible to demonstrate a five-year housing land supply at present. Paragraph 11 of the NPPF applies, which states that relevant policies for the supply of housing should not be considered up to date where a five-year housing land supply cannot be demonstrated.
36. Paragraph 11 d) of The Framework states that where the policies which are most important are out of date, permission should be granted, unless any adverse impacts of doing so, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or, where specific policies in the Framework, provide a clear reason for refusing the development proposed. As I have already found that the Framework policy relating to heritage assets in paragraph 208 indicates that development should be restricted, such that, notwithstanding the current absence of a Framework compliant supply of housing land, the so-called tilted balance does not apply in this case.
37. In many respects the proposal would contribute positively to sustainable development objectives as set out in the Framework, particularly in respect to the benefits associated with housing, in an accessible location. The proposal would also not conflict with Policy PP23. Nonetheless, these benefits would be modest given the scale of the development proposed. Moreover, in view of the harm that would be caused to the significance of the ACCA and the importance given to the conservation of such heritage assets, the benefits of the proposed development would fall short of outweighing the harm I have outlined above.
38. Furthermore, I note that the Council raise no other issues in relation to ecology, trees, highway matters, parking, flooding or waste disposal, amongst other things. However, as these are requirements of policy and legislation, the absence of harm in respect of these matters are neutral factors that weigh

neither for nor against the development. Consequently, the proposal does not represent sustainable development and permission should be refused.

Conclusion

39. For the above reasons and having considered all matters, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR