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## Appeal Decisions

Site visit made on 9 November 2023

**by Jonathon Parsons MSc BSc DipTP Cert(Urb) MRTPI**

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

**Decision date: 17 April 2024**

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### **Appeal A Ref: APP/D3125/W/23/3315925**

#### **Freeland Methodist Church, Wroslyn Road, Freeland OX29 8AQ**

- 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 West Oxfordshire Methodist Circuit against the decision of West Oxfordshire District Council.
  - The application Ref 22/02377/FUL, dated 19 August 2022, was refused by notice dated 16 November 2022.
  - The development proposed is the conversion of Methodist Church (F1) to form a single dwelling, with associated works.
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### **Appeal B Ref: APP/D3125/Y/23/3315927**

#### **Freeland Methodist Church, Wroslyn Road, Freeland OX29 8AQ**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by West Oxfordshire Methodist Circuit against the decision of West Oxfordshire District Council.
  - The application Ref 22/0378/LBC, dated 19 August 2022, was refused by notice dated 16 November 2022.
  - The works proposed is the conversion of Methodist Church (F1) to form a single dwelling, with associated works.
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## **Decisions**

1. Appeal A is dismissed. Appeal B is dismissed.

## **Procedural Matters**

2. These decisions address planning and listed building consent appeals for the same site and a similar scheme. The remit of each regime is different, but a heritage issue applies to both appeals. To reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter.
3. A confidential viability report<sup>1</sup> accompanied the appeal proposal which was initially marked solely for the Inspector's attention. However, for it to be considered and assessed, all the main and third parties must be given an opportunity to comment on it. Consequently, consultations were carried out and comments by parties fully considered in this decision.

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<sup>1</sup> Consideration of Commercial Viability, Former Methodist Church, Freeland, Oxfordshire OX29 8AJ, Wild Property Consultancy, July 2022.

## Main Issues

4. In both appeals, a main issue is whether the development and works would preserve the Grade II listed building, known as the Chapel, or any feature of special architectural or historic interest it possesses. In Appeal A, the main issues are whether an appropriate alternative would exist to the chapel's use, having regard to local plan policy, and the effect of the proposal on the living conditions of residents, having regard to external amenity space provision.

## Reasons

### *Heritage assets*

5. The listed building, a Wesleyan Methodist chapel, is single storey with a high eaves and roof. The chapel is early 19<sup>th</sup> century, with the statutory listing (listing number 1053018) referring to 1805 but the building's datestone referring to 1807. The chapel conforms to a generic typology associated with non-dissenting places of worship; rectangular in plan, predominantly single cell, with large and plainly glazed sash windows on both sides. It is constructed with coursed limestone rubble with square quoins and ashlar dressings, 2-window range, keyed round arches over blocked door, horned glazing bars and a half-hipped stone slate roof.
6. The principal entrance was on the south elevation below the datestone but is now blocked up. The existing main entrance, with a stained timber door, plain surround and fanlight above, is on the west elevation. The appellant's Heritage Impact Assessment<sup>2</sup> (HIS) suggests that this opening was made to accommodate coffins for funerals but that changes in liturgy and practice may have also influenced the change. Internally, there are no fittings of historic or architectural significance or special interest. In early 21st century, a single storey extension in matching materials was built. Nevertheless, the chapel has distinctive scale and vernacular style, with its materials, asymmetrical composition, large sash windows with arched heads. It has the appearance of a plain preaching house reflecting a dissenting meeting house tradition.
7. The chapel is part of the Witney Methodist Circuit. The circuit is predominantly rural, and Village Methodism remains a valued and fundamental strength of the movement. Historically, Methodist societies were part of a wider movement of revival and renewal within the Church of England but after the death of John Wesley (1703-91), a separation occurred. After this, Methodism was quick to progress chapel building, based on Wesley principles including "let the roof rise one-third of its breadth, this is the true proportion, have the doors and windows enough; and let all the windows be sashes, opening downward; let all Preaching-Houses be built plain and decent; but not more expensive than is absolutely necessary." Such principles applied to the Freeland Chapel, designed and built by local people, only some of which would be regarded as skilled.
8. The chapel also has group value. Greystones, a Grade II listed cottage occupies a plot adjacent to the chapel. The statutory listed description (listing number 1053017) describes the building as early 19<sup>th</sup> century contemporary with the chapel. Historic maps show the two buildings within the same plot.

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<sup>2</sup> Heritage Impact Assessment (HIA), Freeland Methodist Church, Wroslyn Road, Oxfordshire, Freeland, OX29 8AJ, James Mackintosh Architects, dated July 2022.

The HIS indicates that Greystones was used as lodgings for Methodist ministers because of the similar materials and its close positioning.

9. In summary, the listed building is a largely intact example of a simple chapel associated with the Methodist movement, with its vernacular style, and simplicity in plan and form. Its design qualities reflect a dissenting meeting house tradition, reflecting theology, worship and church beliefs. Historically, the chapel is associated with early 19<sup>th</sup> century Methodist movement and there is a group value with the neighbouring Greystones. Communally, the chapel has value derived from its religious use, spiritual values, associations with the Methodist faith, and had connections with the local community, through serving village parishioners. Architectural, historic, group and communal values contribute to the significance and special interest of the listed building.

#### *Impact of the proposals*

10. The proposal would result in the re-use of the chapel building, currently vacant, to residential, with alterations to accommodate that use. Such alterations would include the addition of a mezzanine floor to accommodate a first floor, rooflights within the roof, timber sash windows within the large openings and timber French doors within the existing main entrance and the two doorway openings within the extension. Within the original entrance below the datestone, there would be a timber sash window mirroring in style the other new sash windows. To accommodate the residential use, there would be new boundary treatments which would remove the unsightly wire mesh fencing around its plot.
11. The chapel's architectural and historic qualities are derived from its original use as a non-conforming church facility. The proposal to change to a residential property will result in loss of such qualities due to the proposed dwelling's erosion of its largely singular plan form, alterations, and its nature as a private residence with little community connection. The overly glazed nature of the French doors would present an intense domesticated appearance to the building. The new sash window, including its lower marked position, would over-elaborate the south elevation harming its plainness and simplicity fundamental to its religious character. Additionally, there would be garden and residential paraphilia, such as sheds, clothes lines, children's play equipment and associated parked vehicles. Overall, such domestic uses would detract from the community qualities of the former church use.
12. For all these reasons, the significance and special interest of the Grade II listed building, known as the Chapel, would be adversely affected. The degree of harm to the significance of the listed building, as a designated heritage asset, would be less than substantial in terms of the National Planning Policy Framework (the Framework).

#### *Appropriate alternative under local plan policy*

13. The appeal site comprises a disused Methodist chapel which lies adjacent to a Village Hall. In September 2022, planning permission has been granted for the change of use of the chapel to Class (E-Shop and Café) and F2 (local community uses).
14. West Oxfordshire Local Plan (WOLP) 2031 (2018) Policy E5 states that the development and retention of local services and community facilities will be

supported to meet local needs and to promote social wellbeing, interests, interaction and healthy inclusive communities. However, any shop, café or local community use, would not be existing.

15. The policy further states that the loss of community facilities and services will only be supported if there is an appropriate alternative. There is the nearby St Mary the Virgin church in the village which is within part of the Harborough/Freeland Benefice, where any denomination can worship and thus, accommodate worshippers from the former chapel. Due to its closeness, it is accessible by sustainable transport, foot and cycle. Therefore, there would be an appropriate alternative. Finally, the policy refers to pubs, shops, and other commercially run services and facilities and the need for comprehensive marketing. However, the policy refers to commercially run services and facilities, which the existing church use is not.
16. For all these reasons, the proposal would not conflict with WOLP Policy E5 based on its wording. However, viability will require further assessment when considering the heritage balance, in respect of assessing the optimum viable use.

#### *Living conditions*

17. The proposal would result in a 3 bedroom dwelling that would be attractive to a family. There would be vehicle parking with access to one side of the converted chapel which would leave an area behind the extension for the amenity space for occupants.
18. Whilst such an area would be restricted in size, there would be opportunities to use this space for a sitting out area, children's play space and/or garden. There are no WOLP policies or guidance before me requiring minimum levels of outside private amenity space and based on what I saw on my site visit observations, there would be acceptable amount of external private amenity space for residents. In respect of living conditions, the proposal would comply with Policy OS4 of WOLP, which amongst other matters, requires high quality design, with the provision of safe, pleasant, convenient, and interesting environments.

#### *Other matters*

19. A planning application to construct a significant number of dwellings, buildings and space for community uses such as a community shop and café, is on a nearby site but was refused planning permission. Therefore, it can attract no weight in the decision-making process.

#### *Heritage and Planning Balance*

20. In accordance with paragraph 209 of the Framework, the less than substantial harm should be weighed against the public benefits of the proposal, including, securing its optimum viable use. Putting heritage assets to viable use is likely to lead to investment in their maintenance necessary for their long-term conservation. The chapel has been closed for a long time, since 2017, following a decline in numbers attending it. There is also alternative provision at a nearby church in the village. On this basis, a church use would no longer be an optimum viable use.

21. A community group obtained planning permission for the change of use of the chapel to Classes E (Shop/Café) and F2 (community) uses in September 2022. If implemented, such a community use would still result in subdivision of the chapel's space, a feature contributing to the chapel's significance and special interest. However, it would be unlikely to be as extensive as that required for the residential use. In this regard, there would be separate dining and bedroom areas, and a first floor mezzanine for a living area (above the bedrooms). The community hub, shop and especially café, would offer opportunity to retain a more spacious interior. With an emphasis on serving local people, the hub would also have a community use similar to the way that the chapel use served the village.
22. The appellant's VA indicates that the village has a small population insufficient to support a viable shop and there is a large and modern local supermarket store in neighbouring Long Harborough. The VA also details costs, maintenance/conversion/renovations costs, property purchase, and rental value, based on comparable village shops, taking into account rateable value. Based on the Plunkett Foundation<sup>3</sup>, the VA states that the property should be able to make a turnover of circa £100k per annum, making a profit of £10k but that the very low return on capital would be insufficient to justify the costs of the development.
23. However, the success of community shops and cafes would not be solely dependent on population size. In Freeland, there is a high proportion of people employed in managerial, technical, and managerial jobs and retired, which the community shop and café would serve. Despite the chapel not been designated as an Asset of Community Value, the local community has produced a Business Plan<sup>4</sup>, informed by the Plunkett UK, which show greater turnover, profit and return on capital. Profit is shown to negative in the first year but gradually resulting in profit over a 5 year period, this later year's profit would be £25K. Plunkett UK is a national charity supporting people in rural areas to set up and run successful businesses in community ownership. Such a plan takes into account local competition, seeking to differentiate by placing an emphasis on local produce and services, and create 'farm' type shop.
24. The community group has not accessed the building to assess the maintenance/conversion/renovations costs and their property purchase cost is lower than that in the VA. Nevertheless, community groups provide a range of services for the local people, often involving community and voluntary activity. As acknowledged in the VA, renovation costs could be reduced by undertaking 'work in house' through the community group and not engaging a commercial contractor with higher costs.
25. The community group has set up a Freeland Community Benefit Society to arrange finance for the enterprise, including community shares, grants and loans. Community share pledges have already been issued and as confirmed by the Plunkett UK, the society would be eligible for grants and loans as a community facility. It would also be eligible for specially negotiated deals on business support services and wholesale suppliers. Such factors have not been assessed within the VA.

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<sup>3</sup> The Plunkett Foundation, Community Shops – A Better Form of Business 2021.

<sup>4</sup> Freeland Community Benefit Society Business Plan, Proposal and Business Plan, 2022.

26. There is no planning permission and listed building consent for residential use, which the VA property purchase price is based on. Plunkett UK further indicates that whilst it does not advocate a community paying over the market price for a property, it has no concerns over the Freeland community's abilities to raise required capital for purchase, refurbishment and initial stock and staffing. As a specialist consultant on the setting up of community facilities, with a track record in doing so, significant weight is placed on their comments.
27. For all these reasons, the VA has not proven that a community shop and café would be unviable, despite the better historic asset conservation credentials of such a use, compared to a residential use. Ultimately, it has not been demonstrated that a dwelling is the optimum viable use in bring forward the re-use of this listed building and its conservation. The appellant's final comments on the VA responses states that the church is required to obtain the best possible return from any asset sale, in compliance with Charity Commission guidelines, and to finance the Mission throughout the Circuit. However, paragraph 203 of the Framework requires account of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
28. The proposal would provide a dwelling boosting housing land supply where there is a deficient 5 year housing land supply. The development would make a more effective use of land through making re-use of a vacant building. Residents would have good access to services and facilities. However, the contribution of a single dwelling to housing supply would be very small. Set against these very modest benefits, there would be harm to a listed building. In considering whether to grant planning permission or listed building consent, the s66(1) and s16(2) of the Act requires decision makers to have special regard to the desirability of preserving a listed building, which the proposed development and works would fail to achieve for the reasons indicated. In light of the forgoing, the benefits would not be sufficient to outweigh the less than substantial harm identified and the considerable importance and weight this carries for the listed building.
29. Therefore, there would be conflict with Policies OS2, OS4, H2, EH9 and EH11 of the WOLP, which collectively and amongst other matters, requires planning proposals to respect village character and local distinctiveness, the conservation or enhancement of buildings of historic, architectural and environmental significance, permit residential development if it would be the optimal viable use for the heritage asset and that unavoidable and justified adverse impacts are to be minimised and suitably mitigated. There would be conflict with the development plan, taken as a whole, and there would be no material considerations that indicate that it should be determined other than in accordance with the development plan.

## **Conclusions**

30. For the reasons given above and having regard to all other matters raised, I conclude that the appeals should be dismissed.

*Jonathon Parsons*

INSPECTOR