



Appeal Decision

Site visit made on 26 March 2024

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2024

Appeal Ref: APP/G0908/W/23/3331592

Methodist Church, Wampool Street, Silloth, Cumbria CA7 4AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Michael Veitch against the decision of Cumberland Council.
 - The application reference is FUL/2023/0009.
 - The development proposed is the change of use from church to residential (single dwelling).
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use from church to residential (single dwelling) at Methodist Church, Wampool Street, Silloth, Cumbria CA7 4AA in accordance with the terms of the application, Ref FUL/2023/0009, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan (undated and unreferenced);
 - MJV-S1 Mod. A - Existing Floor Plans;
 - MJV-S2 Mod. C - Proposed Floor Plan (ground floor);
 - MJV-S3 Mod. A - Front Elevations (Wampool Street);
 - MJV-S4 Mod. B - Side Elevations (Solway Street);
 - MJV-S5 Mod. A - Block Plan;
 - MJV-S6 Mod. A - Side Elevations (west);
 - MJV-S7 Mod. A - Proposed Floor Plans (first floor).
 - 3) Prior to their installation, details of replacement windows and doors shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to the commencement of the residential use and shall not be removed or altered without prior agreement from the Local Planning Authority.

Procedural Matter

2. On 1 April 2023, Cumberland Council replaced Cumbria County Council, Allerdale Borough Council, Carlisle City Council and Copeland Borough Council. The development plans for the merged local planning authorities will remain in place for the area within the new authority until such time as they are revoked or replaced. For the purposes of this appeal, the development plan comprises the Allerdale Local Plan (Part 1) Strategic and Development Management Policies 2014 and Allerdale Local Plan (Part 2) Allocations 2020.

Preliminary Matter

3. A revised National Planning Policy Framework (the Framework) was published in December 2023. This does not materially change the planning policy context in respect of the main issues, and I have determined the appeal accordingly.

Main Issue

4. The main issue is whether sufficient evidence has been demonstrated to justify the loss of an existing community facility.

Reasons

5. The appeal relates to a former Methodist Church on Wampool Street. The proposal would convert the building into a single dwelling. A porch and four small pitched roofed dormers would be added to the side elevation facing Solway Street. A flat roofed extension towards the rear of the building would be demolished and a pair of gates inserted into the existing boundary wall facing Wampool Street. There is no dispute regarding the principle of the conversion of the building to a dwelling.
6. However, the Council contends that the evidence presented does not demonstrate that genuine efforts have been made to market and sell the property as a going concern or to sell or let the property as premises for its current use set out in policy as stipulated in criterion b) of ABLP Policy S26 and the appellant has not provided sufficient evidence to demonstrate that the building has been marketed as a going concern or to sell or let the property for its current use.
7. The premises closed as a place of worship in 2017 due to falling congregation numbers and high building maintenance costs. A letter on behalf of the Methodist Church states that the organisation went through a rigorous process to ensure that all options were considered prior to placing the building on the market which took several years. Although the letter does not spell out the exact details of the process, it is evident that the sale of the building was a last resort for the organisation after ensuring all options to retain the building as place of worship had been considered.
8. A significant amount of time has elapsed since the closure of the church as a place of worship. From evidence before me the needs of the congregation are either no longer required or have been provided for elsewhere, and reasonable efforts were made to retain the building as a place of worship. A minimum marketing period is not stipulated within ABLP Policy S26 or its supporting text, although it states that it should be agreed with the Council.
9. The building was placed on the open market in October 2021 with an asking price of £40,000. The sale of the building was restricted to cash purchasers. However, it would not be unreasonable for another church organisation to raise this level of funding had there been interest in purchasing the building for such purposes. Regardless of this restriction, no other church or community group expressed an interest in the property during the two-month marketing period. Although the marketing exercise was not agreed with the Council, I am satisfied that that it was with a reputable agent and resulted in several viewings, and therefore was robust.

10. Criterion a) of ABLP Policy S26 states that for proposals which involve the loss of an existing community facility alternative facilities should be similarly accessible by walking. From my site visit I observed at least three other churches a short walk from the appeal site which appeared to be actively in use as places of worship. I therefore consider that the proposal is not in conflict with this element of ABLP Policy S26.
11. As the reason for refusal only relates to the building being marketed as a going concern or used as a place of worship, for the reasons set out above I am persuaded that through the procedure undertaken by the Methodist Church following the buildings closure in 2017 which led to the marketing exercise in 2021 that genuine efforts were made to seek to retain the building as a place of worship. Furthermore, as there are alternative facilities within walking distance from the appeal site, the requirements of ABLP Policy S26 have been demonstrably satisfied.
12. I have considered the Council's argument that the grant of planning permission would set a precedent for other similar developments. However, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this instance.
13. For the reasons given above, I conclude that sufficient evidence has been demonstrated to justify the permanent loss of the existing community facility and there would be no conflict with ABLP Policy S26 which seeks to protect existing community facilities to provide for people's day to day social and cultural needs.

Other Matters

14. The appeal site is located within Silloth Conservation Area (SCA). Therefore, in accordance with the statutory duty set out in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have paid special attention to the desirability of preserving or enhancing the character or appearance of that area.
15. Proposed alterations to the physical appearance of the building would be minor. Nevertheless, the Council has expressed concern over the insertion of dormer windows facing Solway Street, although this did not form a reason for refusal. The proposed dormers would be small and traditional in appearance, set well within the roof slope of the building. Although dormers are not a common characteristic of buildings close by, some buildings within the SCA do feature small traditional dormers. I therefore do not consider that their inclusion would be entirely alien features in the streetscape. The proposal would therefore have a neutral effect on the character and appearance of the SCA, and subsequently would preserve the character and appearance of it.
16. As I have found above, the appeal proposal would not result in any adverse impacts, including the loss of a place of worship. There would be several benefits to the appeal proposal, including the redevelopment of the site which would make efficient use of previously developed land. There would be a modest social benefit in providing one additional house and economic advantages would also arise from the construction phase, which weigh in favour of the proposal.

Conditions

17. I have carefully considered the conditions suggested by the Council in the light of the Framework and Planning Practice Guidance. Standard time limit and plans conditions were not suggested but both are necessary in the interests of certainty and good planning and would not come as a surprise to either party and therefore would be reasonable to impose.
18. The Council have suggested a condition relating to details of windows and rooflights, however as I have concluded that dormer windows are acceptable, I have removed reference to these, although it would be prudent to include doors into that condition as the front and side doors form significant features of the building. I consider that it is not necessary for the condition to be discharged prior to the commencement of the development. Due to the location of the appeal site within the SCA it would be reasonable and necessary to impose the condition in the interests of the character and appearance of the area.
19. I have not imposed the Council's suggested conditions on removing permitted development rights. In accordance with the PPG and the Framework, planning conditions should not be used to restrict national permitted development rights unless there is clear justification. In accordance with the PPG, they would not be reasonable or necessary and there is no clear justification for doing so, and opportunities to extend the property are limited in any event.

Conclusion

20. For the reasons given above, having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be allowed subject to the conditions set out in the schedule attached to this decision.

KL Robbie

INSPECTOR