
Appeal Decision

Site visit made on 19 June 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st July 2024

Appeal Ref: APP/R0660/W/24/3337168

Honford Hall, South Acre Drive, Handforth SK9 3HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms Millie Jones of Just Gymnastics and Cheshire Peaks and Plains Housing Trust Limited against Cheshire East Council.
 - The application Ref is 22/4830M.
 - The development proposed is change of use of Honford Hall from community hall (Class F2(b)) to sui generis use incorporating indoor sport, recreation and fitness (Class E(d)) and community use (Class F2(b)).
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of Honford Hall from community hall (Class F2(b)) to sui generis use incorporating indoor sport, recreation and fitness (Class E(d)) and community use (Class F2(b)) at Honford Hall, South Acre Drive, Handforth SK9 3HN in accordance with the terms of the application, Ref 22/4830M, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 0090-KA-XX-ZZ-DR-A-0100 rev 1 and Proposed Ground Floor Plan 0090-KA-XX-ZZ-DR-A-0111 rev 0.
 - 2) The existing four parking spaces as indicated on the approved Location Plan 0090-KA-XX-ZZ-DR-A-0100 rev 1 shall be retained and be available for use by the occupants/users of the development hereby permitted.
 - 3) The building shall be retained as a community facility during the hours detailed in Table 4 of the Planning Statement Addendum dated September 2023. No deviation from those hours shall occur unless otherwise first agreed in writing by the Local Planning Authority.
 - 4) (a) Within three months of the date of this decision, the appellants shall advertise a minimum of 30 hours per week of availability of the building for booking and hire by community groups.

(b) Within three months of the date of this decision, a copy of the advertisement/s, confirmation of the method by which community booking slots are advertised, and the means of taking bookings shall be submitted to the Local Planning Authority for approval.

(c) The appellants shall keep a record of the number of community booking slots used for six months following the date of the decision for inspection by the Local Planning Authority upon request.

Preliminary Matters

2. The appeal is against the Council's failure to give notice of its decision within the prescribed period. The Council's case is outlined in the statement of case.
3. The proposed use partly comprising a gymnasium has already commenced. I have therefore dealt with the appeal scheme as seeking retrospective planning permission for the change of use.

Main Issue

4. The main issue is whether the proposed development would result in the unacceptable loss of a community facility.

Reasons

5. The appeal site relates to Honford Hall, a large single storey brick-built structure located at the end of South Acre Drive, which is a cul-de-sac off Wilmslow Road. The area surrounding the site is mainly residential, though it is also situated a short distance from the centre of Handforth where there is a range of commercial uses.
6. Honford Hall is identified as a community facility in the Handforth Neighbourhood Plan 2018-2030 (adopted 2018) (NP). The evidence before me indicates that the building provides 350m² of floor space, and prior to the community use ceasing it was used by a number of groups and societies.
7. The appeal proposal is for a mixed use of the building as a gymnasium and a community facility. I have considered it in light of NP Policy H5, Policy SC3 of the Cheshire East Local Plan Strategy 2010-2030 (CELPS) and Policy REC5 of the Cheshire East Site Allocations and Development Policies Document (2022) (SADPD). These policies seek, amongst other things, to ensure that development proposals retain and enhance community facilities. Also of relevance is paragraph 97 of the National Planning Policy Framework (the Framework) which seeks, amongst other things, to guard against the unnecessary loss of valued social, recreational and cultural facilities, particularly where this would reduce the community's ability to meet its day-to-day needs.
8. NP Policy H5 sets out that the permanent change of use of community facilities will only be permitted for other health, education or community type uses, unless at least one of three criteria have been met. In summary, these are (1) the proposal includes alternative provision of equivalent or enhanced facilities in the locality; (2) satisfactory evidence has been provided that the facility is redundant over a minimum period of 12 months; and (3) there is an assessment demonstrating a lack of need for the facility within the community.
9. Although the appellants propose certain hours during which the community facility would continue to operate, the proposal represents the loss of full-time community use as the building would be used partly as a gymnasium. No alternative provision of equivalent or enhanced community facilities in the area is proposed. Therefore, criterion 1 of NP Policy H5 is not met.
10. The site was marketed to let by a professional chartered agent for 12 months from August 2021 to August 2022. The Council is concerned that the marketing of the building was for a mixed use/leisure space and did not specifically target a community use. However, the marketing brochure clearly described the

property as a “superb community space suitable for a variety of uses...”.

Moreover, as part of the marketing exercise, the appellants’ agent directly approached the main user of the building at that time, but they were unable to take the building on and identified alternative accommodation.

11. Despite the length of the marketing period, the appellants’ evidence indicates that there was a low response rate, and no other user came forward to manage the property as a community facility, with various reasons being given. It is put to me that some previous users came together to form a joint management committee to help run, maintain and protect Honford Hall but that this offer was rejected by the owner. However, no substantive details of this arrangement or how it would be secured, have been provided. Therefore, in the absence of compelling evidence to the contrary, I am satisfied that the property has been appropriately marketed in accordance with criterion 2 of NP Policy H5.
12. Furthermore, the evidence indicates that the community facility was underutilised by a small number of groups, and operated at a significant loss in the years immediately prior to the Council terminating its lease. Indeed, when the Council notified the owner that it intended to terminate the lease, the reason that it gave was that there was no further requirement for leisure or community use. That does not suggest there was a high demand for such use.
13. The Council indicates that the identification of the building as a community facility in the NP shows that it was then fulfilling its community usage. However, that document was adopted several years ago. The appellants’ assessment demonstrates that there is a lack of need for the community facility on a full-time basis and there is little prospect of another user acquiring it for such use. While I note the comments of interested parties that the assessment should have been undertaken by the Town Council and Cheshire East Council, rather than by the appellants, that is not a requirement of NP Policy H5. Therefore, while the loss of the full-time community use is regrettable, I consider that the proposal satisfies criterion 3 of Policy H5.
14. Notwithstanding this, outside of gymnastic class times, the appeal building could still be used as a community facility on a part-time basis should there be a demand for it. Table 4 of the appellants’ planning statement addendum sets out the availability of the building for community use. This would secure around 30 hours of community use per week. That number of hours would be broadly commensurate with the former use of the building by community groups and would enable the previous users to hire the venue should they wish. In addition, the proposed indoor sport, recreation and fitness use caters for children and others in the community by providing a suitable space to participate in sport and for events such as children’s parties. Concerns are raised that wall to wall carpeting and gym equipment have been installed which precludes the use of the premises by others. However, the appellants confirm there have been no changes to the existing floor.
15. The proposed community use hours strike an appropriate balance between the need to secure a viable long-term use for the building, while also enabling its continued use as a community facility, albeit on a part-time basis given the apparent low level of demand. Moreover, there are alternative community facilities in the wider area, such as Handforth Youth Centre. My understanding is that most of the previous users of the building have found alternative premises, which does not suggest an under provision of such facilities in the area.

16. I note the Council's concern regarding the lack of a community use agreement. However, the community use can be secured by appropriately worded conditions, including a requirement that the appellants advertise and record the community use, with the details to be approved by the Council.
17. For the above reasons, I conclude that the proposal would not result in the unacceptable loss of a community facility. Accordingly, it complies with Policy H5 of the NP, Policy SC3 of the CELPS, Policy REC5 of the SADPD, and paragraph 97 of the Framework, the aims of which are summarised above.

Other Matters

18. I have taken into account the other objections of local residents, which include concerns over the lack of parking and inconsiderate or illegal parking. However, the Council does not object to the proposal on these grounds and I have no reason to reach a different conclusion based on the evidence before me. It is unlikely that the proposed use would generate a significant number of vehicle trips compared to the previous use of the building, and there is some on street parking in the area including four parking spaces on South Acre Drive specifically for the use of the appeal building. In addition, the site is within proximity of public car parks and the site has good access to a railway station and bus stops. Taking these factors into account, there is no reason to resist the proposal on the grounds of highway safety or parking.
19. I note the Hansard extract provided by interested parties, but I have not been given full details of that quote or its exact context. The legal issues raised, including concern over the ownership of the building, and a number of the other matters referred to are outside the remit of this appeal, which I have determined solely on its planning merits. While I understand this decision will be disappointing for some local residents, the evidence before me does not lead me to conclude that the matters raised, either individually or cumulatively, would be an over-riding reason to warrant dismissal of the appeal.

Conditions

20. As the development has already commenced, a condition relating to the implementation period is unnecessary. I have, however, for clarity and enforceability, set out the approved plans. To secure an adequate level of car parking I have attached a condition requiring the four parking spaces indicated on the plans to be retained and made available for parking by users of the building. To meet the needs of the local community I have included conditions to secure the community use of the building during the hours specified.

Conclusion

21. The proposal complies with the relevant development plan policies. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I conclude that the appeal should be allowed.

M Ollerenshaw

INSPECTOR