



Appeal Decision

Site visit made on 20 November 2024

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 DECEMBER 2024

Appeal Ref: APP/E2530/W/24/3345731

44 High Street, St Martin's, Stamford PE9 2LG

- 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 Mr Stewart Dorey, Stamford Endowed Schools against the decision of South Kesteven District Council.
 - The application Ref. is S24/0192.
 - The development proposed is change of Use from Class F1 (school) to C3(a) Residential. Internal alterations to Listed Building to form two dwellings (one 3-bed and one 4-bed).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 44 High Street is a Grade II listed building and falls within the Stamford Conservation Area. I am aware of my statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. I also have a duty under section 72(1) of the Act which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The evidence before me indicates that Listed Building Consent has been approved by the Council. There is also agreement between both parties that the proposal would cause no harm to the character or appearance of the Conservation Area as no significant external alterations are proposed to the building. It therefore has not been necessary for me to pursue these matters in this appeal decision.

Main Issue

3. The main issue is whether the proposal would result in an unacceptable loss of a community facility.

Reasons

4. Stamford Endowed Schools is an independent private educational establishment and is subject to selective entry requirements. The appeal building is described as a music school and is part of the wider school complex with buildings spread across several sites within Stamford. The appellant explains that, following a re-structuring, the appeal building has become surplus to requirements and music lessons can be provided elsewhere within the school.

5. Community facilities are primarily dealt with under Policy SP6 of the South Kesteven Local Plan (2020) (SKLP). This seeks to retain local services and facilities to maintain the sustainability of the district's towns and villages. The policy relates to all community facilities and advises that the loss to the community will be resisted unless it is clearly demonstrated that several criteria are satisfied, including:
 - a) that there are alternative facilities available and active in the same area which would fulfil the role of the existing use/building;
 - c) the proposal demonstrates that consideration has been given to the re-use of the premises for an alternative community business or facility and that effort has been made to try to secure such a re-use; and
 - d) the proposal demonstrates that consideration has been given to the potential impact closure may have on the area and its community, with regard to public use and support for both the existing and proposed use.
6. The Local Plan does not define community facilities but the supporting text to Policy SP6 suggests that this could include schools in its list of examples. The policy mentions that the list is not exhaustive, and it further explains that 'any facility or service which enjoys wide support could be regarded as "belonging to the community"'.
7. The policy reference to 'schools' does not differentiate between types of school, and I interpret this as meaning all schools in their broadest sense. This could therefore reasonably include both public and private schools, as well as others, where the school meets the needs of the community. Also, although the policy does not define whether it is applicable to the whole school or part of it, I see no reason why Policy SP6 should not apply to the appeal building on its own.
8. The National Planning Policy Framework (the Framework) gives examples of community facilities at Paragraph 97a) which includes local shops, meeting places, open space, cultural buildings and public houses but does not mention schools. As this is not an exhaustive list the specific circumstances of the site before me are therefore relevant. I have also considered the Town and Country Planning (Use Classes Order) 1987 (as amended) which places the provision of education under a separate use class to local community facilities. However, this division is not of assistance to me as many schools are clearly essential community facilities so falling in either use class is not determinative on this matter.
9. As a private school with a selective intake, the appellant states that Stamford Endowed Schools is not accessible for general public access by the immediate community. The appellant also suggests that whilst it is possible that a number of students attending the school are from the South Kesteven Local Authority Area, this is not guaranteed. Also, that students from well beyond the wider community area utilise the school and that it therefore does not perform a traditional community function. However, whilst I recognise that the school draws its pupils from a wide catchment area, I have no reason to doubt that the intake comprises many pupils from the immediate community, especially day pupils. Therefore, based on the information before me, I conclude that the school must serve both the needs of the local and wider educational community.

10. The appellant states that the school does not perform an essential community function in the same manner as the uses identified in Paragraph 97a) of the Framework. However, it appears to me that the school is a substantial facility embedded within the town and although I have little information before me to describe its operations, I see no reason why it would not have a valuable and active part to play in the town's daily life and character. In accordance with Policy SP6 it is likely to enjoy wide support from that community. Therefore, there is nothing before me to suggest that the school does not have a role in helping meet the needs of the local community. Nor is there adequate evidence before me to suggest that the loss of the school would not harm the needs of that community. Therefore, in accordance with Paragraph 97c) of the Framework, I cannot be certain that should the school, or part of it, close then this would not be an unnecessary loss of valued facilities and services, which would reduce the community's ability to meet its day-to-day needs.
11. In the absence of any adequate evidence to the contrary, I consider that, based on the wording of Policy SP6 and the guidance in the Framework, that the school, and therefore the appeal building, is a community facility which helps maintain the sustainability of the district's towns and villages. Policy SP6 is therefore relevant to this appeal.
12. I have few details to describe the educational facilities provided by the appeal building so I am unable to understand whether they are bespoke or unique to the function provided. Nor have I adequate detail to explain where these facilities would be relocated to within the school complex. Therefore, although I have no reason to doubt that the school intends to relocate this facility to another building, I do not have all the detail to be certain that the alternative facilities would adequately fulfil the role of the existing building/use. Nor is there evidence that educational provision in the immediate area would not be harmed by the loss of this facility. Whilst no objection to the application was raised by the Local Education Authority, I still cannot be certain of what impact the closure of this educational facility would be. Therefore, I am not satisfied that the proposal would comply with criterion a) of Policy SP6. For the avoidance of doubt, even had I found that this facility could be adequately relocated, the proposal would still need to meet the other criteria stated in the policy.
13. Regarding Policy SP6 criteria c), I have little detail before me to indicate that the building would be no longer suitable as a school building. Nor is there adequate evidence to satisfy me that the re-use of the premises for an alternative community business or facility has been explored, and that effort has been made to try to secure such a re-use, for example through a marketing exercise. Even though the proposal relates to only one educational building within a much wider school complex, the policy requires future, beneficial community uses to be explored for this premises. As such, the proposal fails to comply with this criterion. Furthermore, with regard to criterion d), as there is little submitted evidence to explain how the building is used, it is unclear what impact the loss of this building as a school use would have on the area and its community.
14. Considering all of the above, the proposal would result in the unacceptable loss of a community facility. It would therefore conflict with SKLP Policy SP6 and the Framework as described above.

15. The Council advises that it has a Framework compliant housing land supply, and that full weight can be given to Policy SP6. The provision of two dwellings would be a significant public benefit and a boost to housing supply is an important Framework consideration in favour of the development. However, planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Overall, whilst the provision of the additional housing would be clearly worthwhile it would not outweigh the harm identified and the policy conflict with the Local Plan.

Other Matters

16. I have taken account of the appellant's concerns about the handling of their proposal during the pre-application and planning application stage. These matters, however, are for the Council and do not alter my findings on the main issue.

Conclusion

17. The proposal would not be in accordance with the development plan as a whole and material considerations do not lead me to decide otherwise. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR