



Appeal Decision

Site visit made on 11 November 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2024

Appeal Ref: APP/Z1510/W/24/3341676

Old Shalford Green Chapel, Shalford Green, Shalford, Braintree CM7 5AY

- 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 Mrs M Boyle against the decision of Braintree District Council.
 - The application Ref is 23/02966/FUL.
 - The development proposed is change of use of disused Chapel to dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of disused Chapel to dwelling house, at Old Shalford Green Chapel, Shalford Green, Shalford, Braintree CM7 5AY in accordance with the terms of the application Ref 23/02966/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application is retrospective, but I have deleted reference to that in the header above, as it does not form an act of development. I have also taken the description of development from the application form, as no confirmation that a change was agreed has been provided.
3. I have taken the site address above from the appeal form. Although different from that given on the application form, it more accurately reflects the site location.

Main Issue

4. The main issue is the effect of the development on the provision of community facilities in the area.

Reasons

5. The appeal relates to a former Chapel that has been converted to a single dwelling. The appeal building is modestly sized and single-storey. It is constructed of render with simple but attractive brick detailing with a tiled roof. External fenestration detailing has been retained, and the building retains its historic appearance. The building sits on a small plot with landscaping and hard surfacing to the front alongside a limited parking area.
6. The area surrounding the site is largely open as a result of fields nearby. The appeal property is situated within a short row of dwellings, some of which are listed. A range of community facilities and services can be found along the route to Braintree Road, which leads into the centre of Shalford.

7. Braintree District Local Plan (LP) Policy LPP 61 seeks the retention of all existing community facilities and services where they meet an identified local need. It further states that proposals for the change of use of community facilities to other uses will be permitted where the relevant criteria at 1 - 4 are met.
8. The proposal does not relate to the change of use of a health care facility so criterion 3 is not relevant to the appeal scheme. Additionally, from the evidence presented, including representations from neighbouring properties, the appeal building, prior to being used as a dwelling, had not been in use for a number of years and lay vacant. Therefore, criterion 4 is not relevant in this instance as the premises were not still in use.
9. Criterion 1 requires an independently verified and robust marketing exercise to be carried out and submitted with the application demonstrating that the facility is unviable and there is little or no prospect of it being viable in the future. Criterion 2 requires all other reasonable options for retaining the facility have been considered
10. The application was submitted to the Council, who accepted that the premises had been actively marketed from mid-2020 to January 2021. The Council have some concerns over how the building was marketed during this period. However, it is not uncommon that when a building is advertised for sale, potential alternative uses are suggested in the sales particulars. In any event, the sales particulars¹ submitted within the appellant's evidence shows the building was actively marketed, setting out the site's use as a former local church.
11. Moreover, it is confirmed that there was limited interest in the building from a commercial perspective during this time, with only a single offer being withdrawn. No substantive details on this agreed commercial sale are presented. However, I find no reason to suggest the marketing of the property by elwell taylor as a reputable agent was not robust.
12. During the marketing period, no other church or community group expressed an interest in the property. A significant amount of time had also elapsed since the closure of the chapel with seemingly no interest. From the evidence before me, the needs of the congregation or other community groups are either no longer required or have been provided for elsewhere. As such, I am not persuaded that a local need in this particular case has been shown. Given the lack of local need or demand for such a facility despite being marketed, I cannot find any other reasonable option to retain the facility was available.
13. I note the Council's comments about the effect of the Covid-19 pandemic and the lack of an expected 12 month marketing and viability appraisal. However, considering the matters covered in the preceding paragraphs together, on the basis of all the evidence before me, I find that the appeal scheme has not resulted in the loss of an existing community facility for which there is an identified local need.
14. For the above reason and noting that there is a conflict with the supporting text, the development would, overall, accord with LP Policy LPP 61. This seeks to retain existing community facilities and services where they meet an

¹ Sales brochure prepared by elwell taylor

identified local need. In accordance with Policy LPP 61, the proposal would also accord with LP Policy LPP 1, which seeks uses that are appropriate to the countryside.

Other Matters

15. The Council identifies the appeal property as being a non-designated heritage asset. On either side of the appeal building are two Grade II listed buildings, Chapel Cottage to the east and Ash Tree Cottage to the west. Given the presence of these heritage assets, I have had special regard to the desirability of preserving the buildings, their setting and any features of special architectural or historic interest which they possess.
16. Both listed buildings derive their significance from being sited in prominent positions close to the road and their architectural appearance, including render and the inclusion of a thatched roof. There is also some significance derived from how these buildings are experienced as a group, not just from their collective appearance but also historically associated connection.
17. For the purposes of the Framework, Chapel Cottage and Ash Tree Cottage are designated heritage assets. Within the overall context, I consider that the proposal would, given the limited external alterations, not detract from the setting of the listed buildings or the ability to appreciate and understand them.

Conditions

18. The Council suggested four conditions should the appeal be allowed, and these have been assessed against the relevant tests in the Framework and the Planning Practice Guidance.
19. As the development has commenced, a condition on implementation is not required. In the interests of certainty, I have attached a condition specifying the approved drawings. In the interests of highway safety and the limited availability of nearby parking spaces, a condition has been attached for parking space retention.
20. Given the proximity to nearby heritage assets, future development could harm the historic environment, which is a clear justification for restricting national permitted development rights in this instance. Therefore, in the interest of preserving the significance of designated and non-designated heritage assets, I have also attached a condition removing permitted development rights.
21. The occupiers of the property have been in residence for a significant period. As such, nearby sustainable transport options would be well known to the occupiers, a condition in this instance is therefore not necessary.

Conclusion

22. For the reasons given above, having had regard to the development plan as a whole and all other material considerations, the appeal is allowed.

A Hickey

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 22:1612:01 and 22:1612:02.
- 2) The two parking spaces as shown on the approved plan 22:1612:02, shall be retained for the parking of vehicles only.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, AA, B, C, D and E of Part 1 of Schedule 2 to the Order shall be undertaken.

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