

**6. FULL APPLICATION - FOR THE PROPOSED CHANGE OF USE OF FORMER CHAPEL TO CREATE ANCILLARY LIVING ACCOMMODATION FOR LAWSON COTTAGE AND SHORT STAY HOLIDAY ACCOMMODATION USE AT ELTON METHODIST CHURCH, WEST END, ELTON (NP/DDD/0125/0071/SW)**

**APPLICANT: T HEARN DEN & M CARTWRIGHT**

**Background**

The application was originally considered at the meeting of the Authority's Planning Committee on the 14<sup>th</sup> March 2025 (to be referred to here as "the first report"). The application was recommended for refusal but members of the Planning Committee were minded to approve. Approval of this scheme would be a departure from policy.

The Authority's Standing Orders (Section 1.48) state that where a Committee is proposing to make a decision which would be a departure from policy and/or the officer recommendation, final determination shall be deferred until the next meeting.

The Head of Planning authorised such a deferral in order that the Planning Committee can consider a further paper to explore the policy implications and risks. This report sets out those implications and risks:

1. Policy implications in relation to HC4 and DMS2 of the Local Plan, including matters set out in Standing Orders.
2. Comparisons and consistency with previous decisions.

**1. Impact on adopted planning policies HC4 and DMS2**

- 1.1. The National Planning Policy Framework (NPPF) promotes a presumption in favour of sustainable development (para 11). To do this it advocates approving development proposals that accord with an up-to-date development plan, but clarifies in para 12 that:

*'Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

- 1.2. The first report recommended that the application be REFUSED because the application failed to demonstrate the property had been marketed as a going concern and incapable of being utilised as a community asset going forward and is in conflict with Core Strategy policy HC4 and Development Management Policy DMS2.

- 1.3. Core Strategy policy HC4.C states:

Proposals to change the use of buildings or sites which provide community services and facilities including shops and financial and professional services to non-community uses must demonstrate that the service or facility is:

- I. no longer needed; or
- II. available elsewhere in the settlement; or
- III. can no longer be viable.

- 1.4. Development Management Policy DMS2 A states:

- A. Where an applicant is seeking change of use from a shop or a community service/facility to a non-community use, evidence of reasonable attempts to sell or let the shop or community service/facility as a going concern must be provided

including:

- (i) evidence of a thorough viability assessment and a marketing exercise with a commercial property agent, sustained over at least 12 months, to sell or let the building for alternative community uses or facilities including local needs affordable housing; and
- (ii) evidence of marketing of the property through the Economic Development Team of the appropriate local authority for at least 12 months; and
- (iii) details of contact made with the Town Council, Parish Council or Meeting and other adjacent Parishes to establish the needs existing in the local area and an assessment of the local affordable housing needs in the Parish or adjoining Parishes with reference to an up to date Housing Needs Survey prepared by or in consultation with the district authority as Housing Authority.

- 1.5. The purpose of Core Strategy policy HC4, is to enable or retain community-focused services that are considered vital to maintaining vibrant and sustainable communities. These include those that have a D1 or D2 use class. Since the change to the Use Class Order in 2020, churches now come under F use class, but the purpose and intent of HC4 remains as written; that a church is a community-focused service. The Core Strategy (para 12.27) states that the Authority will continue to strongly resist the loss of any facility or service which meets an essential community need that is not available or reasonably accessible elsewhere. And, if coming to an understanding that that particular use is no longer needed and not viable, that the property be marketed for other community uses before its loss is considered. This policy approach is based on a history of losing community services/facilities and the need to protect thriving and sustainable communities, as once lost, that type of space is unlikely to ever return.
- 1.6. Policy HC4 states that the applicant must demonstrate that the service or facility is: no longer needed; or available elsewhere in the settlement; or can no longer be viable.
- 1.7. Evidence in support of the Core Strategy found that there had been a decline in community services over the last ten years (evidence from 2000-2010), particularly of shops, post offices, healthcare facilities and public houses. More recent policy monitoring has continued to highlight such losses from the settlements named in our spatial strategy. As such the Authority continues to strongly resist the loss of any facility or service which meets an essential community need that is not available or reasonably accessible elsewhere. In all cases, another beneficial community use should be sought before permission is granted for removal of these facilities. Clear evidence of non-viability will be required, such as marketing the building or facility for a period of time to test whether another community interest, operator or owner could be found. Detailed requirements are included in Development Management policy.
- 1.8. The applicant has not provided details of alternative available (religious) facilities in the proximity within their planning application but the Elton and Gratton Parish Statement does.
- 1.9. Elton Parish was involved in the writing of their Parish Statement (2019). Parish Statements are an informal overview of the parish community in terms of the history of the settlement, population statistics and housing stock, settlement amenities, accessibility, and community activities that occur. Elton has a functioning church (All Saints), primary school, village hall, and pub (The Duke of York).
- 1.10. The Parish Council supports the proposal and has stated that *'Elton already has ample community buildings which compete for a small number of users'*.

- 1.11. Development Management Policies (DMP) policy DMS2 builds on the policy approach of HC4. In the policy preamble setting out the approach (7.13), it states that only where it can be shown that the facility is no longer needed by the community, that there is a facility available elsewhere in the settlement that will satisfy the same community need or that the facility where the change of use is proposed can no longer be viable, will change of use be permitted. It goes on to state that any new use should, wherever possible, provide for another local community need or offer alternative community benefit such as affordable housing.
- 1.12. The officer report to Planning Committee (14 March 2025), accepted that affordable housing would not be appropriate here based on the material consideration that a previous application for a holiday let was deemed unacceptable on the amenity of the residents of Lawson Cottage. Therefore, the focus remains on exploring and potentially meeting another local community need.
- 1.13. The DMP goes on to state in its approach to protecting community facilities/services (7.15), that reasonable attempts should be made to find another community use and that the Authority should be satisfied that viability and marketing exercises have been carried out in accordance with policy DMS2. No evidence has been forthcoming, has the lack of conformity with policy in this case.
- 1.14. It goes on to state that, where reference is made to the availability of another building, available elsewhere or reasonably accessible, that will satisfy the same community need, the National Park Authority will need to make a judgement about whether the same need will be satisfied. DMP (7.16) clearly states, in the case of community facilities such as schools and religious buildings, information to support a planning application will be required about alternative available facilities in the proximity, user numbers and other supporting information which adequately demonstrates that the building is no longer needed by the community. This aligns with policy HC4 with regards to demonstrating alternative provision. No such evidence was submitted in this regard.
- 1.15. The purpose of policy DMS2 is to set out what the Local Plan considers to be 'reasonable attempts' to meet another community need and sets out the marketing requirements for proposals that seek a loss of community service/facility.

## **2. Comparisons and consistency with previous decisions in similar locations.**

NP/HPK/0523/0578 Proposed conversion of redundant former Methodist Chapel, Thornhill to form a single residential dwelling and associated works. Approved. Delegated officer report did not consider policies HC4 or DMS2 in the assessment. The fact that Thornhill is not a named settlement in our spatial strategy may have been a strong factor in this case.

NP/DDD/0619/0663 Residential conversion and minor extension to former Primitive Methodist Chapel, East Bank, Winster. Approved at Planning Committee. Committee report did consider policy HC4 and the applicant demonstrated they had made reasonable attempts to find an alternative use and market the property appropriately.

## **Conclusion**

The policy requirement to protect community uses and explore alternative community is a strong policy objective which supports our commitment to thriving and sustainable places. Without clear evidence in support of the application to market or explore alternative uses a decision to approve this application could represent a departure from the development plan.

Members are urged to carefully consider the strength of other evidence and weigh these in the balance against the strong policy requirements set out. Contextual evidence is referred to from

the Parish Council and within the Elton Parish Statement, plus there are material amenity issues which have indicated that a separate dwelling (including via holiday occupancy) would not be appropriate.

If members through their judgement, carefully consider the policy tests in HC4 and DMS2, and determine that the same need will be satisfied elsewhere within the settlement or is accessible to residents, and that there are sufficient buildings in community use within the settlement that satisfy the needs of the local community to maintain and support a thriving and sustainable community then a decision to grant permission for the current application is not considered to be a significant departure from the Development Plan.

### **Human Rights**

Any human rights issues have been considered and addressed in the preparation of this report.

### **List of Background Papers** (not previously published)

Report [Report](#)

Minutes [Minutes of Planning Committee 14 March 2025](#)

### **Report Author and Job Title**

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