



# Appeal Decision

Site visit made on 24 August 2009

by **Paul Jackson B Arch (Hons) RIBA**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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**Decision date:**  
**9 September 2009**

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## Appeal Ref: APP/W1525/A/09/2104429

### Moulsham Lodge Community Centre, Waltham Glen, Chelmsford, Essex CM2 9EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Essex County Council against the decision of Chelmsford Borough Council.
- The application Ref 08/01626/FUL, dated 8 September 2008 was approved on 11 November 2008 and planning permission was granted subject to conditions.
- The development permitted is change of use of the existing building to use within class D1 (non-residential institution) and/or use as a community centre.
- The condition in dispute is No. 5 which states that: This permission in so far as it relates to use of the building for part D, Class D1 of the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order), shall be limited to use as a public hall within (g) of Class D1 only and for no other purposes save in accordance with an express grant of planning permission in that behalf.
- The reason given for the condition is: In accordance with Policy DC37 of the Core Strategy and Development Control Policies Development Plan Document 2001 - 2021 and specifically: Criterion iii and iv - as the building's use as a Community Centre including Class D1(g) use as a public hall serves an established residential area, the need for such a use continues to exist, its loss cannot be adequately supplied or met elsewhere in existing facilities in the locality and no new replacement facilities are proposed. Furthermore, this facility also meets the social and community needs generated by the adjacent new housing areas (known as Proposal H1 - Land off Princes Road - in the Chelmsford Borough Local Plan - adopted April 1997). This area at that time was the largest available housing site within Chelmsford's urban area and has now been fully developed with an addition of development of part of Moulsham School Playing Fields for housing. A new footpath access to the application site was safeguarded in the planning permission of the adjacent site granted for housing development to improve access to this community facility. The relevant grants of planning permission relied upon this established facility to meet the social and community needs of the new development and accordingly made no provision for additional community hall facilities within the new residential area (in accordance with superseded Policy REC1 and Strategic Objectives of the Chelmsford Borough Local Plan - adopted April 1997)

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## Decision

1. For the reasons given below, the appeal is dismissed.

## Reasons

2. The appeal property consists of a large community hall including a stage, together with a separate wing containing a kitchen, office, bar area and toilets. The building was erected in 1972 and is set in spacious grounds providing a
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substantial area for parking and access for deliveries. It is located in an existing residential area south of Chelmsford. Although neglected for several years, the building appears structurally sound and is largely watertight. Following vandalism, it has been boarded up and security fencing has been erected by the County Council, which is the freeholder and appellant.

3. As background, the community centre enjoyed around 30 years of continuous use by local groups for various purposes until 2005. Activities included dance classes, amateur dramatics, exhibitions, private functions, indoor sports, a crèche/toddlers group and as a meeting place for local organisations. It fell vacant when the then existing Community Association experienced financial difficulties and did not renew the lease. After a period during which the County Council unsuccessfully sought a continuation of community use, it looked to achieve best value for the building but including the possibility of community use continuing. That process included clarification of what would be an acceptable use of the building under the most recent development plan policies. Indicative plans submitted with the application for D1 (non residential institutions) use show conversion of the building as a medical surgery centre (class D1(a)) for which interest had been expressed. This would subdivide the hall and in effect, prevent any other kind of community use for the foreseeable future. The main issue in the appeal is whether the condition subsequently imposed, which has the effect of restricting the use of the building to a public hall, has a useful planning purpose.
4. Policy DC37 of the Chelmsford Core Strategy and Development Control Policies Development Plan Document 2001-2021 (CS), adopted in 2008, resists proposals to redevelop or change the use of premises that provide facilities which support the local community; and sets out criteria which must be satisfied if such changes are to be permitted. The supporting text to the policy advises that the provision and protection of community uses such as health, education, places of worship and community halls is an important element of sustainable development. The building in question is a community hall. It is not redundant or incapable of repair; that is demonstrated by the proposal to convert it for another purpose.
5. In my view, regarding economic viability, it has not been clearly demonstrated that there is insufficient demand from the local community to make the centre viable. There is a high degree of local public interest in seeing the centre restored. The submissions include a draft business plan which has clearly involved a great deal of work and commitment by local individuals and organisations. The reasons why the centre closed in 2005 are rather obscure but do not persuade me that future use by a different group of local residents or another group such as the Royal British Legion would be similarly unsuccessful; particularly given new residential development in the vicinity which has been completed recently. I do not discount the likelihood that there would be a continuing burden on ratepayers for a few years but that alone is not a good reason to remove a facility which has clearly received very significant public support in the past, or to justify a departure from the aims of planning policy, in particular the community support objectives of policy DC37. The appellant draws attention to the lack of firm funding in the business plan but to my mind, sufficient potential sources of support and finance have been

identified to persuade me that community use of the hall has long term prospects. I give the draft business plan considerable weight.

6. Moreover, although the County Council and the Borough Council sought means of continuing the community use, the offers received were considered against the value of the building for other purposes within the D1 class as well as against its value as a continuing community resource. Accepting the obligation placed on the County Council to obtain best value for money, I am uncomfortable that the highest valuation should determine its future, if that would lead to the community hall being removed. It seems inevitable that community groups would find it difficult to match a valuation for commercial use. A medical surgery centre, whilst within the Part D (D1) use class, would only support the local community in an extremely limited way. Whilst accepted by Council officers as according with the precise terms of development plan policy, I consider that it would prevent many other uses that local residents and Councillors have expressed a strong preference for.
7. I also give weight to the submission that no provision was made for community facilities in a large area of new housing to the north of the hall because the appeal property was already in existence. Policy REC1 of the now superseded Chelmsford Borough Local Plan, in force at the time, also resisted redevelopment of community facilities for other purposes.
8. The possibility of community use on the site would still remain without the condition in dispute, but another new building would almost certainly be necessary. There is nothing to suggest that additional resources would be available or that there is a reasonable likelihood of such a facility coming forward. It is unclear to me whether the proposed conversion to a medical surgery centre would leave sufficient space for a comparable new community hall on the same site.
9. I have had regard to all the other matters raised including the efforts made by the County Council over several years to retain community use, which for various reasons have been unsuccessful. However, the proposed conversion would effectively remove a hall of considerable size which is the main asset of the building and an important community resource. I do not regard the failure of the local community at this time to provide the degree of financial certainty sought by the County Council to overcome the policy objective of retaining the community hall for the purpose for which it was built. The disputed condition ensures that it would remain available for public use. As such, I consider it conforms to the aims of policy DC37 of the CS and serves a useful planning purpose; and the appeal should be dismissed.

*Paul Jackson*

INSPECTOR