

**Appeal under Section 78
Town and Country Planning Act 1990 (As Amended)**

**Appeal against the imposition of condition 5 on application no.
08/01626/FUL**

**STATEMENT OF CASE
On behalf of ESSEX COUNTY COUNCIL**

**Former Moulsham Lodge Community Centre
Waltham Glen
Chelmsford
Essex
CM2 9EL**

SITE DESCRIPTION

The site is situated in the Moulsham area of Chelmsford less than one mile south of the town centre. Access to the site is via Waltham Glen off Gloucester Avenue which is an established residential area.

Immediately to the north of the site are recently constructed dwellings located on Burghley Way and Lister Tye, which are a mix of modern 2 and 3 storey flats and houses.

To the north of these areas is the Princess Road Campus of Chelmsford College and Moulsham Secondary School Playing fields lie immediately to the west of the development on Burghley Way.

The site is triangular in shape and extends 0.57 hectares (1.4 acres). The community centre building lies towards the eastern boundary of the site occupying about 10% of the site area and is approached by a short conifer lined access road which opens out on to a relatively extensive area of hard standing which surrounds the building. This area was also used to service the building at its rear with delivery vehicles.

Moulsham Lodge Community Centre was originally constructed in the 1972 and was subsequently extended in the mid 1970's. The building has two primary components which are both accessed internally off a receiving, administrative, kitchen and storage area:

1. The main hall wing of the building is of brick construction under a pitched tiled roof extending to approximately one and a half domestic storeys. The hall is approximately 10.4 m wide and 25m long and is open flexible space that currently has a stage area and changing facility at its southern end. It is understood that the hall was used for a variety of community events including dance classes, amateur dramatics / concerts, exhibitions and meetings for local community groups and organisations.
2. The Bar / Function area is also of brick construction and was added to in the mid 1970's to provide further seating and a small performance area.

The building in total extends to approximately 546 m² (5,875 sq ft).

The internal areas of the building are now dilapidated and have been the subject of some acts of vandalism and theft and require substantial refurbishment to bring the building back in to beneficial use. Photographs of the property are enclosed within the original planning submission contained in appendix 1.

BACKGROUND, MARKETING AND PURPOSE OF THE APPLICATION

Moulsham Lodge Community Centre was built and opened in 1972 to serve the needs of residents within the area in respect of public meeting hall space and space for community groups to meet and socialise. The appellant, Essex County Council (ECC) owns the freehold of the building and the land. The Moulsham Lodge Community Association was granted a long lease of the site in 1972 by the County Council which expired in 1999 at a nominal rent.

The construction of the building was funded by four primary sources:-

- Central government grant funding
- Essex County Council (financial contribution and the provision of the land)
- Chelmsford Borough Council
- Contributions from members of the local community via the community association

Between 1972 and 1999 the property operated as a community centre providing accommodation for a range of community activities and adult education under the terms of a long lease. On expiry of the lease Essex County Council approached the Association with a proposal for a new lease to run the centre. It is understood that the heads of terms of agreement of this lease were agreed at a nominal rent, however, a new lease was never signed by the Association and the building was subsequently abandoned by the Tenant in 2005 where it is understood that the organisation had encountered financial difficulties in maintaining the operation.

The responsibility for the vacant building then came back to ECC as the freeholder. After internal review it was determined that there was no ECC service requirement for the property with the building approaching the end of its useful life and it was declared surplus in 2006. The property has remained vacant since August 2005 and has been the subject of marketing for disposal in the intervening period to seek to attract interest.

Subsequent to its vacancy, discussions were held with the Local Planning Authority concerning their aspirations for the property and it was indicated that the building should be not marketed for commercial or residential redevelopment purposes and that uses falling with Class D1(non-residential institution) of the schedule to the Town and Country Planning (Use Classes Order) (1987) (as amended) (UCO) were appropriate for the site.

Essex County Council appointed property agents Lambert Smith Hampton (LSH) to market the property in May 2006 initially to selected named parties within the community sector guiding the parties as to the appropriate consideration for the site as a D1 use given market considerations. Chelmsford Borough Council (CBC) and The Royal British Legion in combination confirmed their interest and submitted an offer for purchase which was very considerably below market value and hence could not be countenanced by ECC in respect of their best value obligations under the Local Government Acts.

LSH continued a dialogue with Chelmsford Borough Council and the Royal British Legion until March 2007 during which time they were receiving some alternate interest from other charitable and private organisations in the site.

In the absence of any suitable offers from the named parties first approached, LSH advertised the site to encourage wider open market interest be ascertained for the property in July 2007 so that best value considerations of the Local Government Act 1972 could be adequately addressed. The property was then offered on the open market with the encumbrance of a restrictive covenant to enable only D1 uses at the site in accordance with the aspirations of CBC.

A variety of offers were received and James Developments was selected as the preferred purchaser by ECC as the only party presenting an offer to acquire the property with the intention to convert the existing building to a medical surgery centre, which was understood to comply with the CBC requirements to secure a D1 end user for the site. The proposal also offered the benefit of demonstrating a willingness to treat with other organisations for further D1 community use development at the site, where it was appreciated there was some additional capacity to erect further built space given the current limited building coverage.

The prospective purchaser entered in to discussions with the planning authority regarding their intentions and were subsequently advised that they would require a change of use planning application to accommodate the refurbishment proposal as the former use as a community centre was initially assessed as a use falling within Class D2 (leisure) rather than Class D1 (non-residential institution). This assertion was queried by the agents for the County Council as it had been understood that the property, as a public hall, was to be marketed for D1 purposes as the appropriate range of use for the redundant centre. Following, this the agents of the County Council sought to appraise the former use.

The intensity of use by various parties for various functions and events was not possible to determine but among the activities that the centre had provided for in the past were:

- Public Meetings
- Private Functions
- Social Functions
- Amateur Dramatics
- Adult Education Classes
- Workout Classes
- Toddler and Baby Groups
- A camera club
- Community Exhibitions
- Indoor sports
- Community groups meetings

Given that there was no reliable information on what the 'primary use' constituted, the local planning authority approach taken was that the use was a mixed one with elements of D1 and D2 uses and should be classified as a 'Sui Generis' Use requiring the submission of an application to use the site for D1 purposes only.

In order to clarify the position to all parties the format of planning application was discussed with Borough Council officers regarding the legitimacy of a D1 use at the site and it was confirmed that such a use would accord with statutory plan policy. To move matters forward most rapidly it was felt expedient to proceed with an application rather than seek to fully investigate the former use given that the proposal was advised as according with statutory policy and that the building was continuing to lie vacant and deteriorate from not having a beneficial use.

An application was, therefore, submitted to Change the Use of the property for purposes falling within Class D1 and D2. At this point the purchaser confirmed their offer for the property but that it would have to be subject to the receipt of a satisfactory planning consent to enable their occupation as a D1 user.

It was recognised by the appellants in the submission that certain D2 uses (such as commercial leisure operations) may have the propensity to intensify activity at the site which could be detrimental to neighbouring occupiers and it was therefore proposed that this potential future use be limited to that of a community centre within class D2. It was determined that this approach would clarify the range of potential use that was appropriate for the property if the proposed purchaser proceeded with the purchase or not and was seen as a way of resolving the uncertainty over lawful use of the site. The range of uses applied for, therefore, encompassed the following:

- clinics,
- health centres,
- crèches,
- day nurseries,
- day centres,
- schools,
- art galleries,
- museums,
- libraries,
- halls,
- places of worship,
- church halls,
- law court.
- non residential education and training centres.
- community centre

The application (ref no. 08/01626/FUL) was submitted to the Borough Council on this basis by ECC on 8th September 2008 with indicative floorplan drawings showing the conversion of the premises for the surgery centre use and a brief supporting statement explaining the application together with the requisite certificates and fee. The full details of the application are attached as appendix 1 to this statement of case.

The application was consulted upon and assessed by Borough Council officers and recommended for approval at planning committee held on 11th November 2008. At the committee meeting the view taken by members was that the property should

only be able to be used for a public hall within part (g) of the D1 class and thus whilst granting permission they restricted the future use of the premises by conditions 4 and 5 attached to the consent.

It is the unlawful and unreasonable imposition of condition 5 which is the subject of this appeal.

THE DECISION AND STATED REASON FOR CONDITON 5

The full decision notice of 08/01626/FUL is enclosed as appendix 2 of this statement.

The brief details of the proposal description, relevant condition (5) and its reasons for imposition are reproduced below:

PROPOSAL:

Change of use of the existing building to use within class D1 (non residential institution) and/or use as a community centre.

Condition 5

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.

Reason 5

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 the 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).'

This appeal seeks the removal of condition 5

DEVELOPMENT PLAN POLICIES REFERRED TO IN THE DECISION NOTICE

Policy DC 37

Policy DC37 seeks to protect existing local community services and facilities, whether of commercial nature or not, unless the Borough Council is satisfied that certain criteria are met.

Criteria i) allows the loss of the use if it is not economically viable, could not be provided by some other means, or is genuinely redundant

Criteria ii) indicates that the premises or site cannot be readily used for, or converted to any other community facility

iii) the facility or service which will be lost will be adequately supplied or met by an easily accessible existing or new facility in the locality or settlement concerned, unless it has been accepted as redundant under criterion (i); and

iv) the facility concerned was not required to be provided and /or retained as part of a planning permission for a new development.

Policy DC37 is a recent Development Control policy adopted in February 2008 as part of Chelmsford Borough Councils Core Strategy. The submission policy was not amended or commented upon by the Inspector.

Policy DC37 with supporting text is reproduced in full in appendix 2 for reference purposes.

Policy REC1

Policy REC1 of the Adopted Local Plan 1997 sought to protect the loss of existing community facilities when proposed for redevelopment. It was not limited to physical facilities, such as community centres, but to public open space. The policy does not seek to secure the provision of new facilities on new housing development sites.

Policy REC1 has since been superseded with Policy DC37 with the adoption of the Core Strategy in February 2008.

THE GROUNDS OF APPEAL

- The application for D1 use of the property accords with statutory development plan policy and particularly Policy DC 37 of the recently adopted Chelmsford Borough Council Core Strategy and Development Control Policies Development Plan Document.
- The condition fails the tests of reasonableness, necessity and relevance to planning outlined in DoE circular 11/95 relating to the use of conditions. The condition effectively nullifies the purpose of the consent and should therefore be viewed as '*ultra vires*'.
- The purpose of the use classes is to enable the freedom to vary use within the same class in accordance with the provisions of Circular 03/05. The restriction of Condition 5 is unreasonable in that the use of the building within any use identified within Class D1 would not have a detrimental amenity or environmental effect on neighbouring properties
- No exceptional circumstances and proper, adequate or intelligible reason have been presented for the restriction. No evidence has been presented of a viable community centre operation.
- The proposal does not seek to prevent the future use of the site for community centre use, but increases the opportunities for securing the future of the building within the acceptable range of D1 uses which are outlined in policy DC 37.

ASSESSMENT OF MATERIAL CONSIDERATIONS

Policy DC37

Matters concerning criteria i and ii)

As set out in the background section, the property was abandoned by Waltham Glen Community Association in 2005 after falling into financial difficulty. The property returned to the freehold owners, Essex County Council who has no statutory function to provide community facilities. In this instance they are the freehold owners of the site and building. The property was offered to a number of community service providers including The Royal British Legion and Chelmsford Borough Council.

The redundant building, having been marketed for D1 purposes, fulfils the requirement of criteria i) of Policy DC37. There were no offers received during 2005-2009 for the building for a community centre use. The building is, therefore, assessed as being genuinely redundant for this purpose.

The redundant nature of the use and building is the defining factor in that it is not necessary to prove the use is not economically viable or that the use could not be provided by other means. However, it is clear from the financial failing of the Waltham Glen Community Association, that the use was not economically viable either.

Policy DC37 is clear in that when a building is deemed redundant, the property must first be reused or converted to another community facility. The supporting text also sets out what the Council views as being important, and therefore presumably acceptable community facilities, including health, education, places of worship and community halls (all D1 uses).

It should also be noted that the opening paragraph of Policy DC37 makes no distinction between private and publicly provided community facilities, it applies equally to both. The policy views services and facilities provided on a commercial basis just as important as those provided by public subsidy or other means.

The proposal is therefore in compliance with DC37 criteria i) and ii) in that following the redundancy of the building for community centre use, the conversion of the building into another community facility (a medical surgery centre) should be accommodated.

The Planning Officers Report to committee concluded that whilst the proposed use is different to the historic use as a community centre the proposal would still accord with Policy DC37 and was within the acceptable range and class of uses as prefaced in the supporting text. Simply put, the proposal is providing community facilities which mean the proposal accords with Policy DC37. There is no local policy context for requiring a restriction on the type of D1 uses on the site.

Policy DC37 iii)

It is our view that Part iii) of policy DC37 is not relevant to the consideration of this appeal as the premises are genuinely redundant under the provisions of criterion 1 of DC 37.

However, it is worth noting that the Planning Officers Report concluded that there are numerous local alternative facilities providing rooms for the various groups satisfying Policy DC37 (iii). The Decision Notice fails to offer any evidence as to why the existing local alternatives are deemed unsuitable community facilities. It is argued that the sharing of facilities is a more sustainable and cost effective approach to the provision of community facilities rather than a stand alone community hall where viability of such an operation has been proven to be challenging in the past.

Locally, venues provide a wide range of services including:

- Moulsham High School which hire the Drama Studio, Gym, classrooms, sports hall, swimming pool, kitchens, dining rooms, outdoor sports facilities and main hall.
- St Lukes Church, Gloucester Avenue has rooms for hire and currently caters for Scouts, Pre-school clubs, Mother and Toddler groups, Guides, a Camera Club and a Drama Club.
- Other local facilities with rooms for hire for parties, anniversaries etc. include Church of Holy Name, Lucas Avenue and Moulsham Lodge Methodist Church.

The community representations received as part of the application consultation process identified several uses which historically the appeal premises provided, including anniversaries, parties, play groups, keep fit classes, amateur dramatics which can and indeed are all currently being provided by the alternative facilities in the area which are all within walking distance of the appeal site.

With the above examples based in close proximity to the appeal site, Policy DC37 (iii) allows the alternative facilities to be met in the locality or settlement concerned. Pushing the area for consideration to a wider context of not just Moulsham Lodge but the whole of Chelmsford provides a very considerable number of alternative facilities that can be considered.

The examples alone demonstrate that the criteria (iii) set out in Policy DC37 has been achieved and that the potential loss of the building to other D1 Uses can and has been supplied and met elsewhere in existing facilities. The examples prove that these existing facilities are in fact currently providing the supply that Reason 5 states are not possible to meet.

Policy DC37 iv)

Criterion 4 relates to the requirement to retain community facilities where they were required to be provided or retained as part of a new development proposal.

The adopted Local Plan 1997 allocated a site between Princes Road and Gloucester Avenue for development identified as Housing Site H1. The resulting adopted development brief for the site and outline application (reference 95/05458/OUT) was granted subject to a S106 Agreement.

Also; identified as being surplus to requirements, a 1.5ha parcel of playing fields adjacent to the appeal site was put forward as suitable for housing. An adopted

design brief for the site set out the parameters for the outline application submitted under reference 98/00516/OUT which was granted subject to a S106 agreement.

In both cases there was no stated requirement to retain, improve, relocate or reprovide the community centre in Adopted local plan policy, the subsequent design briefs for the sites, the outline planning applications or their accompanying legal agreements under S106 of the Town and Country Planning Act 1990.

In respect of the footpath, the design brief and Section 106 for the playing fields site sought to improve connectivity between Princes Road and Gloucester Avenue via Waltham Glen. Essex County Council recognised that permeability for the area was important to achieve and worked with Chelmsford Borough Council to provide for the route through the site to be identified. The playing fields site has since been sold to developers and ECC have continued to actively ensure that all parties interested in acquiring the community centre site are aware of the footpath requirement.

The objective of the footpath is to increase permeability within the area and not as a means of improving access to the community centre itself as suggested by the Decision Notice reason 5.

Conclusions on Policy DC 37

Policy DC37 seeks to prevent the loss of community buildings, unless certain criteria are met. The proposal for wider D1 use of the site meets the requirements of the policy in that, the building is genuinely redundant.

If the view was taken that the building is not considered redundant, the proposal is in any event for an alternative use within class D1 serving the community which is recognised by the policy as being an appropriate use. The policy does not seek to confine D1 use, whether the use is for commercial purposes or not. Nor should a planning consent.

These views are endorsed by the council's officer in her report to planning committee which concur with the view that an objection to the proposal on the grounds of policy DC 37 cannot be sustained.

The provisions of extant ODPM Circular 03/05 and DoE Circular 11/95

Whilst the appellant is content that the proposal accords with recently adopted statutory policy in terms of its provision and use, there is also specific advice from Central Government concerning the imposition of conditions (contained in the above two circulars released in 1995 and 2005) which is highly relevant to this matter as is the purpose of the Town and Country Planning (Use Classes) order (UCO).

The introduction of the UCO (which has subsequently been amended a number of times most latterly in 2005 when revised circular 03/05 accompanied it) was built on the principle of uses which fall within the same class of use being interchangeable without the need for planning consent (para. 5 of the circular). This was so that the planning system would not be overly burdensome in respect of uses that had similar properties, purposes or impacts. This sort of burdensome approach is appreciated as serving no ones interests and is widely appreciated to have the potential to significantly affect the competitiveness of the economy and the proper functioning of property markets.

In para. 25 of circular 03/05, it is made clear, therefore, that there is a presumption against the imposition of conditions which are designed to restrict changes of use which would not otherwise require consent under the provisions of the UCO or the General Permitted Development Order. Paragraph 87 of circular 11/95 goes on to state that 'exceptional circumstances' are required to be demonstrated to enable such restrictions to be imposed upon use within the same class. Para 26 of the circular goes on to say that where restrictions are considered they should be limited to restricting particular uses rather than adopting a blanket approach to a Class.

In all cases where restrictions on use are to be considered Local Planning Authorities need show that the uses excluded could have serious adverse effects on the environment or on amenity not subject to other control and give proper, adequate and intelligible reasons for doing so. In our view, this requires reasons which are evidentially based.

The tests for reasonableness of a restriction are therefore clear. The circumstances must be 'exceptional' and must relate to defined impacts on the environment or amenity. In our view, the Local Planning Authority must also demonstrate that their reasons are sound and evidentially based if asserting such impacts as exceptional circumstances.

In this instance the proposal involves requesting a change from a mixed use with activities within class D1 and D2 to a use solely within D1. The proposal involves the change of use of the existing building and use of existing site areas to accommodate the proposal.

Whilst we are unaware as to whether the community centre had particular amenity difficulties or complaints in relation to the various activities that were contained in the building, however, the proposed use will be much akin to a low intensity office use suitable in a residential area as the application documentation explained. There is likely to be no perceptible noise from within the building and overall traffic movements are expected to be less than may have been generated by say large functions or a number of community group meetings at the premises

throughout the day and night. Whilst of minor consideration the traffic movements with the proposed medical centre use are likely to be more evenly spread through out the day as there are not likely to be significant peaks of activity so as potentially cause less impact on the neighbouring highway network than a properly functioning community centre.

In addition, as the proposal is to convert the building within its existing built envelope, the orientation of windows and respective building heights and interfaces are to be maintained. The scale of the building and its interaction with its surroundings will therefore remain largely as it is currently.

It was envisaged by the prospective purchaser that there may need to be some changes to the external envelope of the building to improve the visual aspects of the building in the course of refurbishment but it was understood that any changes would be of a relatively minor nature seeking to improve the appearance of the property and its lifespan in to the longer term generally improving amenity of the site. The purchaser was, however, understandably reluctant to draw up and detailed plans for any changes prior to obtaining a consent which clarified that the principle of the D1 use at the site was acceptable.

The appellants have been presented with no clear intelligible reasons by the local planning authority supported by firm evidence that the range of uses proposed within class D1 would present a change in current amenity and environmental circumstances that is so exceptional that restrictions on use are warranted.

The condition is, therefore, unreasonably restrictive, not relevant to planning and places the appellant in the position described in para. 36 of circular 11/95 unnecessarily.

Does the proposal to use the community centre for D1 purposes only constitute a material change of use?

Whilst we have not pursued this issue as a ground of appeal due to the uncertainty over intensity and types of use accommodated in the existing building over time, there is a legitimate question to ask as to whether the change of use from the building as a community centre to a D1 use only would comprise a *material* change of use. We are content that the use would change; however, the existing use evidently had significant elements that would in their own right be considered D1 activities in the past.

For a change of use to be material it would need to be shown that the nature of the use in planning terms of its impact on the surrounding area would be perceptible and damaging to amenity as a matter of fact and degree (see circular 03/05 paras. 13 and 14).

We can only see that most D1 uses would be more 'low key' in this regard when compared with a community centre which accommodated loud music on occasion and some functions most akin to A4 or D2 leisure uses which generally have greater impacts.

Conclusions

Essex County Council as freehold owners of the appeal site and their advisors have continued to engage positively with all stakeholders. Despite having no statutory function to provide the community facilities when the building was vacated, ECC approached community service providers including Chelmsford Borough Council on the basis that the site continued in D1 use.

After this failed to identify appropriate end users at D1 market level, the subsequent open market campaign continued to restrict the end users to Use Class D1. Indeed, the eventual preferred bidder selected was a health clinic operator, a use within Use Class D1, as identified by Policy DC37 despite interest from other conflicting uses.

The uncertain historic use of the site presented an opportunity to clarify the use of the site for potential purchasers. ECC voluntarily opened discussions with Chelmsford Borough Council which resulted in an agreed position to submit a planning application for D1 and part D2 uses. The full recommendation for approval was a result of ECC and their advisors working closely with the Planning Officers to ensure local adopted policies were adhered to.

In meeting Policy DC37, the community centre is proven to be genuinely redundant and would benefit from an alternative D1 use to bring the building back into beneficial use for the benefit of the wider community. There is no evidence presented that there is a community need for the building which is not being catered for elsewhere.

The imposition of condition 5 effectively nullifies the purpose of the application which was submitted for the centre. We, therefore, regard the condition as operating 'ultra vires'.

There is no evidence presented by the planning authority that the use of the building for purposes within class D1 would be so exceptionally harmful in relation to amenity and environmental impacts to warrant restriction as advised in Circular guidance by the Secretary of State.

We would gratefully submit that this appeal should be allowed having regard to all of the above material considerations.

Appendix – 1

Planning Application Form

Planning Application Planning Statement (August 2008)

Certificate of Ownership

Plan (LSH/1) – Site Edged Red (Scale 1:1250)

Change of Use from D2 – D1 (indicative Schematic Plan) (1:100)

Change of Use from D2 – D1 (indicative existing floorplan) (1:100)

Validation Checklist

Planning Application Decision Notice (08/01626/FUL)

Officers report to Planning Committee (11th November 2008)

Appendix 2
Policy DC 37

Policy DC37

POLICY DC37 – PROTECTING EXISTING LOCAL COMMUNITY SERVICES AND FACILITIES

Proposals for redevelopment or change of use of any premises that provide facilities or services which support the local community in all parts of the Borough, whether of a commercial nature or not, will only be permitted where the Borough Council is satisfied that:

- i) the use concerned is not economically viable, could not be provided by some other means, or is genuinely redundant; and
- ii) the premises or site cannot readily be used for, or converted to any other community facility; or
- iii) the facility or service which will be lost will be adequately supplied or met by an easily accessible existing or new facility in the locality or settlement concerned, unless it has been accepted as redundant under criterion (i) above; and
- iv) the facility concerned was not required to be provided and /or retained as part of a planning permission for a new development.

3.86 An important element of sustainable development and creating sustainable communities is the provision and protection of community uses such as health, education, places of worship and community halls at locations that are readily accessible. These uses are predominately within Use Class D1 of the Use Classes Order 1987 (as amended). In addition, and especially outside the urban areas, facilities such as public houses, post offices and petrol stations can perform a vital function in terms of the economic and social welfare of such areas and to help ensure the continued vitality of village and rural communities.