

Case Officer: Gemma Magnuson

Recommendation: Approve

Applicant: Mr James Shouler

Proposal: Change of Use of one agricultural building to B8 use

Expiry Date: 19 September 2022

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a barn forming a part of the Elm Tree Farm complex, to the east of the village of Wendlebury. The site is within 2km of the Wendlebury Meads and Mansmoor Closes SSSI. The building is steel framed with metal clad and Yorkshire boarded upper and blockwork lower walls. The lower elements of each end of the building are open. This former enclosed cattle building is currently used for storage. There is an existing commercial use operating from the adjacent building to the south-west (see 08/01757/F).



2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application relates to the proposed change of use of the building under Schedule 2, Part 3, Class R of The Town and Country Planning (General Permitted Development) (England) Order 2015.
- 2.2. The scheme proposes to use the agricultural buildings for a Class B8 (storage or distribution) use. No external alterations are proposed to the building as part of the current application.

3. RELEVANT PLANNING HISTORY

- 3.1. following planning history is considered relevant to the current proposal:

Application: 95/00578/F

Permitted

6 June 1995

Erection of straw storage, portal framed agricultural barn.

Application: 98/00850/F Permitted 3 August 1998

Erection of two general purpose agricultural buildings

Application: 02/00961/F Permitted 25 June 2002

Proposed steel framed general purpose agricultural building to accommodate straw, fodder and extra cattle

Application: 05/01536/F Permitted 10 October 2005

Erection of steel framed building and manege for DIY livery.

Application: 08/01757/F Permitted 23 September 2008

Change of use from existing agricultural premises (including workshop) to B1 industrial use

Application: 73/00443/NERM

Erection of farmhouse with yard and farm buildings. Alteration of existing access.

Application: 19/02230/AGN Prior Approval Not Required 11 November 2019

Proposed building for the storage of machinery and forage to support expanding pedigree cattle enterprise

- 3.2. The planning history suggests that the farm was constructed following the granting of planning permission in the 1970's. There is no recent planning history relating to the building that is the subject of the current application.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site expiring **19 August 2022**. The overall final date for comments was **19 August 2022**. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. Wendlebury Parish Council – no comments received.

STATUTORY CONSULTEES

6.3. None.

NON-STATUTORY CONSULTEES

6.4. OCC Highway Authority – no objection.

6.5. CDC Building Control – a Building Regulations application would be required for conversion to commercial units.

6.6. CDC Environmental Health – no comments to make.

7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1. As this is a Prior Notification application, the provisions of Part 3 of Schedule 2 of the General Permitted Development Order 2015 (GPDO) are considered most relevant.

7.2. Under Part 3 Class R of the GPDO, development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a flexible use falling within Class B8 (storage or distribution), Class C1 (hotels) or Class E (commercial, business or service) is considered to constitute permitted development, subject to the development meeting the requirements of Class R.

7.3. Where the cumulative floorspace of the building or buildings would exceed 150m², the developer must apply to the local planning authority for a determination as to whether the Prior Approval of the authority will be required as to the transport and highway impacts on the development, noise impacts of the development, contamination risks on site and flooding risks on the site.

Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. APPRAISAL

8.1. The key issue for consideration in this case is whether or not the Class R criteria are satisfied.

8.2. The information submitted with this application confirms that building is part of an established agricultural unit and that, when last in use, the building was used solely for an agricultural use. In view of the planning history, the building type, size and location, and observations on site I have no reason to doubt that the use of the building was use for agricultural purposes. Therefore criterion (a) is satisfied.

8.3. The cumulative floor space to be converted would not exceed 500m². I have researched the planning history of the site and no other buildings within the agricultural unit appear to have changed use under Class R that would take the cumulative floor space above this 500m² limit. Criterion (b) is therefore satisfied.

8.4. The site does not form part of a military explosives storage area or a safety hazard area and the building is not listed nor is it a scheduled ancient monument. Criteria (c), (d) and (e) are therefore satisfied.

8.5. The proposal therefore meets the requirements for permitted development under Part R.

- 8.6. As the cumulative floorspace of the building exceeds 150m², the development must also be assessed against the transport and highways impacts of the development, noise impacts of the development, risk of contamination and risk of flooding on the site.

Highway Impacts

- 8.7. An assessment needs to be made as to whether or not the proposal is likely to result in a material increase or material change in the character of the traffic in the vicinity of the site. OCC Highways as the Local Highway Authority has raised no objection to the proposal. I see no reason to disagree with this assessment.

Noise Impacts

- 8.8. The building is adjacent to other agricultural barns and a B1 use. The closest residential dwelling is the farmhouse. The Council's Environmental Health Officer has reviewed this application and makes no comment. I see no reason to disagree with this assessment.

Land Contamination

- 8.9. The Environmental Health Officer has not objected or raised comments with regards to land contamination. From the Council's records, this site is not recorded as being within an area of potentially contaminated land. I therefore see no reason to disagree with this assessment.

Flood Risk

- 8.10. The site is located entirely within Flood Zone 1 (the lowest risk of flooding). The proposal is therefore considered acceptable in this regard.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The proposals accord with the criteria contained within Schedule 2, Part 3, Class R of The Town and Country Planning (General Permitted Development) (England) Order 2015 and Prior Approval should be granted.

10. RECOMMENDATION

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents: Application Description, Site Location Plan

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, to ensure that the development is acceptable in respect of highway safety and to accord with Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

1. Schedule 2, Part 3, Class R of The Town and Country Planning (General Permitted Development) (England) Order 2015 only allows for the *change of use* of all, or part of a building and a planning application must be submitted for any associated operational development.

Case Officer: Gemma Magnuson

DATE: 15 September 2022

Checked By: Paul Ihringer

DATE: 16/9/22
