# CASE OFFICER'S REPORT

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| **Application Reference:** | PL/2023/07413 |
| **Application Type:** | Prior approval Part 3 Class R: Agricultural buildings to a flexible commercial use |
| **Site Inspection:** | |
| **Consultation ends:** | 27 September 2023 |
| **Case officer:** | Jonathan James |

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| **Site Address:** | EAST KENNETT MANOR FARM, EAST KENNETT, MARLBOROUGH, SN8 4HA |
| **Proposal:** | Prior approval under Part 3 Class R for the change of use from agricultural barn to self-storage building |
| **Recommendation:** | Prior Approval Not Required |

Proposal

This application is a Prior Notification under Class R to determine if Prior Approval is required for a proposed change of use of an agricultural building to a flexible commercial use (confirmed as Class B8). The supporting statement clarifies that it is proposed to place up to 8 shipping containers inside the building and that these will be rented out to individuals for self-storage.





Existing agricultural barn

The building in question is located at East Kennett Manor Farm which lies at East Kennett. The site lies in the North Wessex Downs Area of Outstanding Natural Beauty.

Legislation

The Town and Country Planning (General Permitted Development) (England) Order 2015 - Schedule 2: Part 3: Class R as amended by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2021.

The relevant legislation is Class R of the General Permitted Development Order, and an assessment of the proposal against the criteria follows below. The legislation, as recently amended, states:

“Permitted development
R. Development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use falling within one of the following provisions of the Use Classes Order—
(a)Class B8 (storage or distribution) of Schedule 1;
(b)Class C1 (hotels) of Schedule 1; or
(c)Class E (commercial, business or service) of Schedule 2.”;

R.1 Development is not permitted by Class R if—
(a) the building was not used solely for an agricultural use as part of an established agricultural unit—
(i) on 3rd July 2012;
(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or
(iii) in the case of a building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins;
(b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 500 square metres;
(c) the site is, or forms part of, a military explosives storage area;
(d) the site is, or forms part of, a safety hazard area; or
(e) the building is a listed building or a scheduled monument.

Conditions
R.2 Development is permitted by Class R subject to the following conditions—
(a) a site which has changed use under Class R may, subject to paragraph R.3, subsequently change use to another use falling within one of the use classes comprising the flexible use;
(b) for the purposes of the Use Classes Order and this Order, after a site has changed use under Class R the site is to be treated as having a sui generis use;
(c) after a site has changed use under Class R, the planning permissions granted by Class E of Part 7 of this Schedule apply to the building, subject to the following modifications—
(i) “curtilage” has the meaning given in paragraph X (interpretation) of this Part;
(ii) any reference to “office building” is to be read as a reference to the building which has changed use under Class R.

R.3—(1) Before changing the use of the site under Class R, and before any subsequent change of use to another use falling within one of the use classes comprising the flexible use, the developer must—
(a)where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit does not exceed 150 square metres, provide the following information to the local planning authority—
(i)the date the site will begin to be used for any of the flexible uses;
(ii)the nature of the use or uses; and
(iii)a plan indicating the site and which buildings have changed use;

(b)where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit exceeds 150 square metres, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
(i)transport and highways impacts of the development;
(ii)noise impacts of the development;
(iii)contamination risks on the site; and
(iv)flooding risks on the site,

and the provisions of paragraph W (prior approval) apply in relation to that application.

(2) Subject to sub-paragraph (3), development under Class R of the type described in paragraph R.3(1)(b) must begin within a period of 3 years starting with the prior approval date.

(3) Where, in relation to a particular development under Class R of the type described in paragraph R.3(1)(b), planning permission is granted on an application in respect of associated operational development before the end of the period referred to in sub-paragraph (2), then development under Class R must begin within the period of 3 years starting with the date that planning permission is granted.

(4) For the purposes of sub-paragraph (3), “associated operational development” means building or other operations in relation to the same building or land which are reasonably necessary to use the building or land for the use proposed under Class R.

Interpretation of Class R
R.4 For the purposes of Class R, “flexible use” means the use of any building or land for a use falling within the list of uses set out in Class R and change of use (in accordance with Class R) between any use in that list.

Consultation Responses

Parish Council: This application gives the Planning Authority an opportunity to reconsider its approach to the AONB. If it is minded to grant planning permission it should take steps to minimise the impact on the locality. This could be done by imposing conditions as to the siting of the storage units to be within the building only, hours of operation and lighting. The Highway Authority needs to have regard to the traffic implications of the increased use of the site.

Highway Officer: I note that this is a PNCOU application and as such there are limitations to what I can ask for in regards to highway improvements.

I am aware that the site has a potential fall back position in regards to its previous agricultural use which will have associated vehicle movements.

The access does not have standard visibility so I would not be happy to allow for anything which leads to a significant increase in vehicle movements. I note that the applicant suggests that this proposed use is small scale and if it is limited to the 8 containers for self storage and I would be willing to accept a tied/conditioned approval.

I would also like to see an improved visibility to the oncoming side of the access with a splay cleared of obstruction set at 900mm above the carriageway edge from a point 2m back to the tangent point on the carriageway edge.

Alongside this I would also like to see an improvement to the surfacing of the site access for the first 5m . I am unsure if I can ask for these improvements under a PNCOU so please advise.

No comments have been received from either Public Protection

Third Parties:
• We live at Hill House, just 20 metres from the barn mentioned in this application . We are happy to support this planning application and change of use.
• Our only real concern is that the barn does actually remain a storage facility ONLY. We would not be happy should it become a workshop , open 7 days a week night & day , given the additional noise and traffic up the track we would have to suffer.

• This seems an excellent and reasonable use of the barn as long as its use is contained within the limitations described as regards numbers of containers and trips per day.

Assessment

There will be no external changes to the building. The internal, central air vent will be removed, and the containers will be placed around the edges of the building, accessed from the centre.

The building is more than 150sqm but less than 500sqm and so an assessment of the scheme against those issues listed under R.3 (1)(b), transport, contamination, noise and flooding issues shall be carried out. These are addressed as follows:

(i)transport and highways impacts of the development:

The site can be presently used by large agricultural vehicles and the access point to the adopted highway is as existing with no proposed changes. The agricultural use of the barn/site is a recognised starting point for the assessment of traffic impacts.

It is considered that the use of the access and site by vehicles associated with the commercial use of the barn for B8 purposes to be broadly compatible with the wider use of the site. As such, it is considered that there would not be any severe impacts to the highway caused by this change of use.

Comments received from the highway officer raise no objections to the scheme, although recommend conditions be attached to any grant of consent. There are no proposed changes to the access and this provides good visibility. The request for improved visibility and a change in surface material is acknowledged however, this request is considered beyond the remit of a PNCOU. It is considered that there would not be any transport and highways impacts associated through the proposed development.

(ii)noise impacts of the development:

It is considered that the proposed development would not have any adverse noise impacts on nearby residential dwellings. The closest residential plot is in excess of 20m from the site, although closer to the access point, and it is considered that any noise from the proposed Class B8 unit would be broadly the same as that of the existing agricultural use and the noise impacts from the development would not be materially different such that the reasonable living conditions of the occupiers of these nearby dwellings would be adversely impacted upon. The Council's Environmental Health team also raise no objection in this respect, and there is nothing to substantiate a requirement for further information on noise impacts.

(iii)contamination risks on the site:

The applicants report that there are minimal risks associated with contamination. This building has a concrete floor, and has been used as a food store (ie grain store). The containers will each have their own floors. The Council's Environmental Health team raise no objection in this respect, and there is nothing to substantiate a requirement for further information on contamination risks.

(iv)flooding risks on the site:

The site is located within Flood Zone 1 and as such there are no apparent flood risks at the site.

Conclusion

The proposed change of use complies with the provisions and limitations of the permitted development right provided by Schedule 2, Part 3 Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Prior approval is not required in relation to the transport and highways, and noise impacts relating to the development.