PRIOR APPROVAL OF PROPOSED CHANGE OF USE OF AN AGRICULTURAL BUILDING TO A FLEXIBLE COMMERCIAL USE

AT

LOWER FARM, ROWDE, DEVIZES

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1 INTRODUCTION

1.1 In April 2015 the Government allowed for the change of use of an agricultural building and land within its curtilage to a flexible commercial use as a permitted development right, falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage or distribution) Class C1 (hotels) or Class D2 (assembly and leisure) of the Schedule to the Use Classes Order, subject to certain conditions and limitations. This was consolidated into the General Permitted Development Order (GPDO) 2015. In August 2021, this was amended to no longer include changes of use to those previously classified as 'assembly and leisure' that are not now included in Use Class E (commercial/business/service).

1.2 Under this permitted development right, it is proposed to convert the following agricultural building at Lower Farm to a flexible commercial use. The building proposed for conversion is shown outlined in red below.



Google earth imagery of the site

1.3 The agricultural building lies approximately 0.67 miles northwest of Devizes and 4.48 miles east of Melksham, being a 13.7 mile drive from Junction 17 of the M4 Motorway. The building is located between one building which forms a commercial unit and another two agricultural buildings in the centre of the farmyard at Lower Farm. This farmyard was once used for dairy cattle, but no livestock are kept on site. The current building is used for general agricultural machinery and fodder storage. The farm is also

the location of the Rowdey Cow Farm Shop (as shown on the Google Earth imagery above).

1.4 This application is made under Class R of the GPDO which gives permitted development rights for the change of use of the agricultural building to a flexible commercial use.

1.5 This report will assess the proposals against the legislation published in the General Permitted Development Order (2015) under Class R. The report will:

- Set out the permitted development rights in Section 2;
- Describe the proposal for the building in Section 3;
- Assess theses proposals again the permitted development rights in Section 4.

1.6 The agricultural building is in current agricultural use and is part of an established agricultural unit. The building has been used for a variety of agricultural uses including cattle housing and is now used for agricultural storage.

2 PERMITTED DEVELOPMENT RIGHTS

2.1 Permitted development rights under Class R form part of the General Permitted Development Order (2015) and defined under Schedule 2, Part 3, Class R of the GPDO, as follows; '*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 one of the following provision of the Use Classes Order*
(a) Class B8 (storage or distribution) of Schedule 1;
(b) Class C1 (hotels) of Schedule 1;
(c) Class E (Commercial, business or service) of Schedule 1.'

2.2 There are limitations to the rights, set out in R.1. This states that development is not permitted where:

(a) The site was not used solely for an agricultural use as part of an established agricultural unit on 3rd July 2012 or, if not in use on that date, when it was last in use;
(b) The cumulative floor space of the existing building or buildings changing use exceeds 500sqm;
(c) The site is, or forms part of, a military explosive storage area;
(d) The site is, or forms part of, a safety hazard area;
(e) The building is a listed building or a scheduled monument;

2.3 The permitted development rights are subject to the condition that the developer shall apply to the local planning authority for a determination as to whether the prior

approval of the local planning authority is required for one or more of the following four considerations:

(a) Transport and highway impacts;
(b) Nosie impacts;
(c) Contamination risks on the site;
(d) Flooding risks on the site;

2.4 Provisions of Paragraph W (prior approval) also applies. This requires that the application is accompanied by a written description, plans, contact address and a fee.

3 THE PROPOSALS

3.1 It is proposed to convert the agricultural building shown in Figure 1 above to a commercial unit.

3.2 The building is single story, steel portal frame construction, with concrete floor and block work and cladded walls. The building measures approximately 367.86m^2 and is in a good state of repair. The building is used for general farm storage and is currently open plan.

3.4 The building is adjacent to other agricultural buildings and a commercial unit which do not form part of this application.

3.5 The proposed commercial unit will be single storey, unitising the full dimensions of the current building. The steel portal frame, elevations and roof are sound and will remain ins situ and continue to provide the main loadbearing elements. There are no external works required to the building.

3.6 The curtilage (234.75m^2) will extend to the south and west of the building, which will be used in conjunction with the commercial unit to provide parking and loading areas. The other agricultural buildings have access points on opposite side elevations and therefore the two uses will not negatively affect each other.

3.7 The proposal will create a commercial unit, which is intended to be let, to provide a diversified income stream to an existing agricultural business. This is especially important in the years to come, with the reduction and eventual removal of Basic Payment subsidies through the transitional period caused by Brexit. It is believed that the building will provide an attractive commercial unit in an easily accessible location.

3.8 The exact future use of the building is currently unknown, as the applicants intend to achieve the Class R change of use before securing a tenant for the unit.

4 ASSESSMENT

4.1 As previously noted, the proposal is permitted development so long as it meets with the limitations and conditions as laid out in Class R of the GPDO (2015). As assessed below, the proposal meets the conditions.

4.2 We can confirm the building and the proposal meets the following pre-requisites:

(a) It is an agricultural building, is currently used for agricultural purposes and is within a substantial and established agricultural unit;
(b) The total internal floor space of the existing building proposed for conversion is 367.86m^2 and the curtilage will extend to 234.75m^2;
(c) The site is not within a military explosive storage or safety hazard area and is not a listed building or a scheduled monument.

4.3 **Highway Consideration –** There is an existing safe access off the A342, which will continue to be used for the commercial unit. The access is currently used for a variety of uses, for agricultural machinery, customers at Rowdey Cow Farm Shop and the tenants in the existing commercial unit adjacent to this building. Vehicles are able to enter and exit in a safe manner in a forward gear, with sufficient space for turning and parking. There are no changes required to the current access arrangements to enable the proposal to take place. The most recent commercial unit did not receive any objections from the highways team when applying for planning permission (PI/2023/04363).

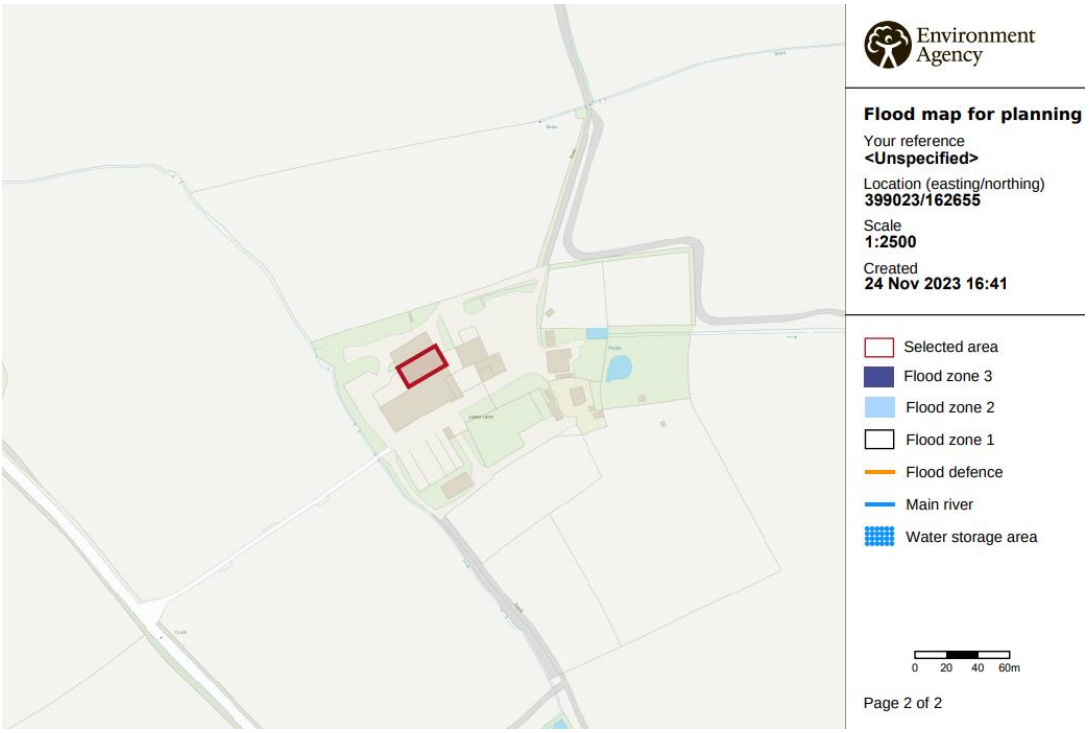
4.4 While the exact final use for the unit is unknown, as planning permission is sought before a tenant is found, it is estimated that the proposed commercial unit would generate no more than 4-6 traffic movements per day. This is unlikely to materially increase or change the character of traffic in the vicinity and so will not have a significantly adverse impact on the highway network.

4.5 The site has good access to the A342 which leads to the A350 and to M4 Junction 17, and nearby town of Melksham and Chippenham.

4.6 **Noise impacts -** The proposed use is considered low key, and it is recognised that this will not create any nuisance to the residents in the locality. The dwellings in closest proximity to the building are owned and occupied by the applicants and their family members.

4.7 **Contamination Risks** - The building is not, or known to have been, used for agro-chemical storage. There are no other contamination risks on the site, therefore there is no known contamination risk affecting the proposals.

4.8 **Flood Risks** – There is no flood risk on the site, as shown below in Figure 4 from the Environment Agency Flood Risk Map. There is no known history of flooding within the locality.



5 CONCLUSION

5.1 In April 2015 Class R was consolidated into the GPDO, allowing for the change of use of an agricultural building to a flexible commercial use as a permitted development right, subject to certain limitations.

5.2 The proposal does not breach any of the limitations.

5.3 The agricultural building is of sound construction, suitable for a commercial use and is served by an existing access.

5.4 Finally, the Council must consider noise impacts, contamination risks, flood risks and highways and transport considerations. As discussed in the report, none of these considerations relating to the proposed development should give the Council cause for concern.