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

AT UNIT 3, BOUNDARY FARM, 620 BERRYFIELD LANE, MELKSHAM, WILTSHIRE, SN12 6EF

JANUARY 2024

Helen Wiltshire BSc(Hons) MRICS FAAV
WEBBPATON | THE DAIRY, HOOK, ROYAL WOOTTON BASSETT, WILTSHIRE

Contents

1 INTRODUCTION 2
2 PERMITTED DEVELOPMENT RIGHTS 4
3 THE PROPOSAL 5
4 ASSESSMENT 6

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 the former Use Classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), B1 (business), B8 (storage or distribution), C1 (hotels) or 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. This has now been amended by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021, which changes the flexible use permitted to the new Use Classes: Class B8 (storage or distribution), Class C1 (hotels) and Class E (commercial, business or service).

1.2 Under this permitted development right it is proposed to convert the following agricultural building at Boundary Farm to a flexible commercial use, falling within Class

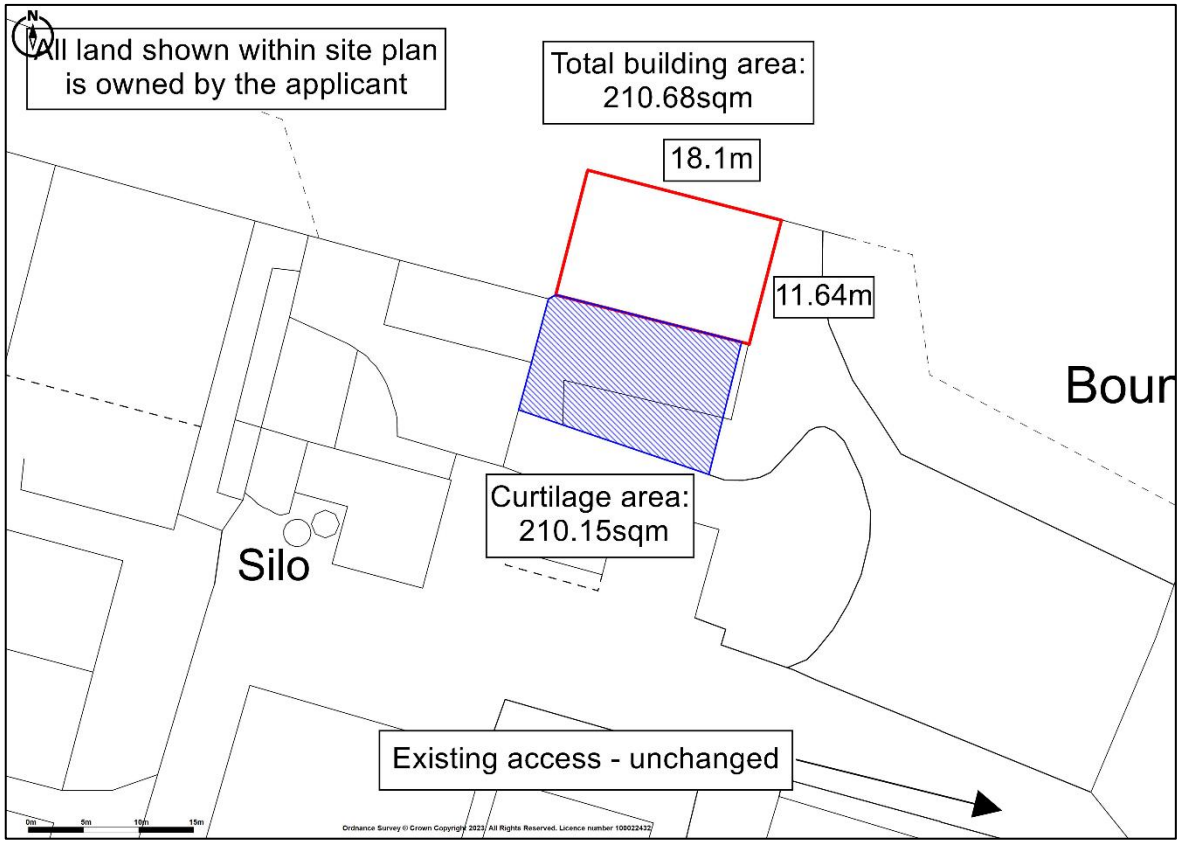


Figure 1: Block Plan

E (commercial, business or service) or Use Class B8 (storage or distribution). The building proposed for conversion is shown outlined in red below in Figure 1.

1.3 The agricultural building lies approximately 0.65 miles south-west of Melksham town centre. The building is located on the edge of the existing farmyard at Boundary Farm. The farmyard is used for agricultural storage for the family's beef and arable enterprises. A building to the south of this building was granted a commercial use in April 2023 under planning reference PL/2023/01508. It is therefore proposed to change the use of the building in question to commercial.

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 these proposals against 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 agricultural building in question has been used for general agricultural storage. Therefore, an agricultural use was clearly demonstrated presently and as at 3rd July 2012.

1.7 This report has been written by WebbPaton Rural Surveyors and Land Agents. We are acting on behalf of Jonathan & David Guley T/A Boundary Farm Business Park Ltd (the Owner) in respect of a prior notification determination under Class R made to Wiltshire Council in relation to the change of use of an agricultural building at Boundary Farm, 620 Berryfield Lane, Melksham, Wiltshire into a commercial unit.

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 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.*

2.2 This was amended under The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021, which changes the Use Classes to:

(a) Class B8 (storage or distribution);

(b) Class C1 (hotels); or

(c) Class E (commercial, business or service).

2.3 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.

2.4 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.

2.5 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 PROPOSAL

3.1 It is proposed to convert the agricultural building shown in Figure 1 above into a commercial unit under Use Class E or Use Class B8.

3.2 The building is of a single storey, fully enclosed, steel portal frame construction. It has a concrete floor, concrete panel walls with corrugated tin cladding sheeting above under a corrugated tin cladding roof. The building measures 210.68 sqm and is in a good state of repair. The agricultural building is used for general farm storage and is open plan internally. There are two roller shutter doors and one pedestrian door in the south elevation, allowing good access for both vehicles and pedestrians.

3.3 The proposed commercial unit will be single storey, utilising the full dimensions of the current agricultural building, extending to 210.68sqm. The steel portal frame, elevations and roof are sound and will remain in-situ and continue to provide the main loadbearing elements. There will be no external works to the agricultural building.

3.4 The curtilage of the proposal will extend to 210.15sqm, being a concrete yard area adjoining the building to the south, which will be used in conjunction with the proposed commercial unit to provide parking and unloading areas.

3.5 The proposal will create a commercial unit, which it is intended will be let to a third party, to provide a diversified income stream to an existing family-run agricultural business. This is especially important due to the reduction and removal of agricultural subsidies caused by Brexit. It is believed that the building will provide an attractive

commercial unit in an easily accessible location, with excellent transport links being in close proximity to the town of Melksham. There are also two existing commercial units on the site, in the adjacent building to the south, and as such it is suitable to have a commercial use in this building.

3.6 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. It is likely the unit will be a light industrial or storage use, under Class E or Class B8. As Class R permits a "flexible" use, the exact final use does not need to be determined at this stage.

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 amended by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021. As assessed below, the proposal meets the conditions.

REQUIREMENTS

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 was as at 3rd July 2012, and is within a substantial and established agricultural unit;

(b) The total internal floor space of the existing building proposed for conversion is 210.68sqm and the curtilage will extend to 210.15sqm. No previous buildings on the holding have been converted under Class R Permitted Development;

(c) The site is not within a military explosive storage or safety hazard area and is not a listed building or a scheduled monument.

CONSULTATION CONSIDERATIONS

4.3 **Highway Consideration** – There is an existing safe vehicular access off Berryfield Lane, which will continue to be used for the proposed commercial unit. This access is currently utilised by the existing farmyard, commercial units and residential dwelling.

Vehicles are able to enter and exit in a safe manner in a forward gear, with sufficient space for turning and parking in the wider yard area. There are no changes required to the current access arrangements to enable the proposal to take place. The existing vehicular access is located on a straight stretch of road, with good visibility in both directions onto Berryfield Lane as shown in Figures 2 & 3 below.



Figure 2: Visibility Splay – view north along Berryfield Lane



Figure 3: Visibility Splay – view west along Berryfield Lane

4.4 While the exact final use for the unit is unknown, as planning permission is sought before a tenant is secured, 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

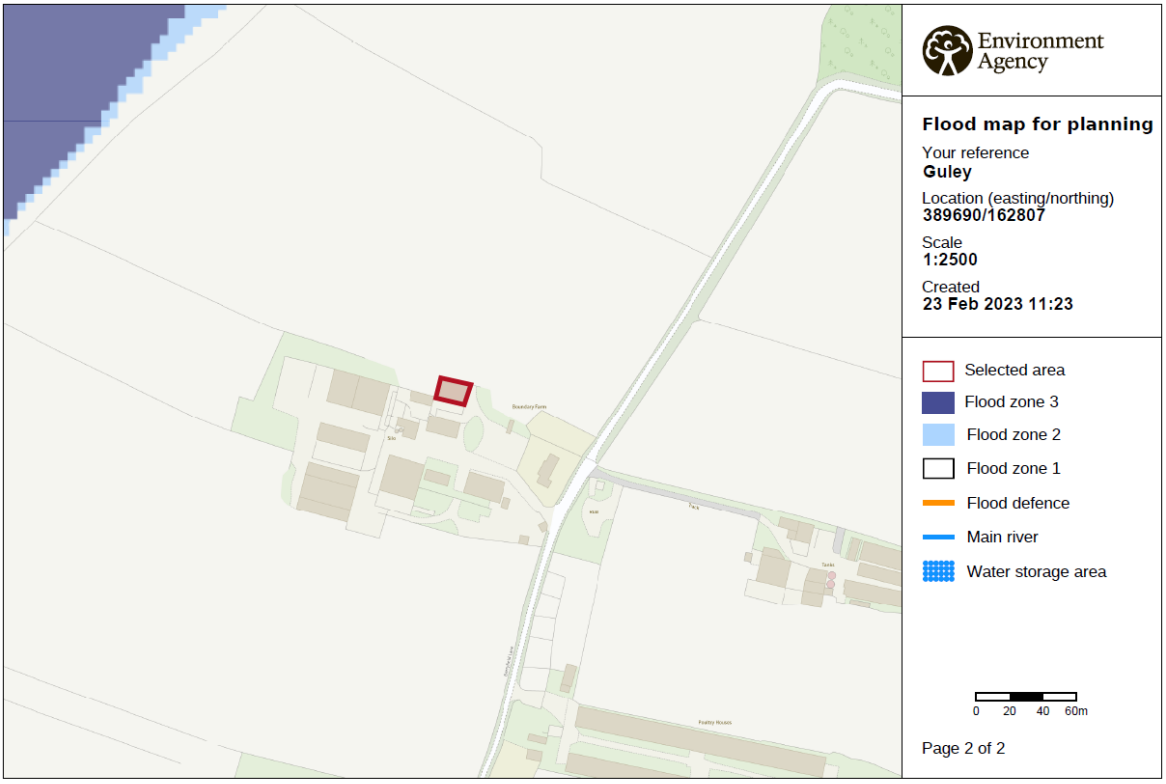
significantly adverse impact on the highway network. This is proven by the two existing commercial units on the site, which have been in situ since 2020 and have brought a low level of traffic increase.

4.5 The site has good access to Melksham, being less than 400m from the A350 trunk road. This will ensure it is well suited to a commercial use.

4.6 **Noise Impacts –** The proposed light industrial or storage use is considered low key and it is recognised that this will not create any nuisance to the residents in the locality. The dwelling in closest proximity to the building is owned and occupied by one of the applicants. Any other residential properties are some distance from the site, and as such the proposed change of use will bring minimal impact on third-party property owners. Overall, the application is not considered to result in unacceptable noise impacts on the surrounding area.

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.



© Environment Agency copyright and / or database rights 2022. All rights reserved. © Crown Copyright and database right 2022. Ordnance Survey licence number 100024198.

Figure 4: Flood Risk Map

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, in a good condition, suitable for a commercial use and is served by an existing access which remains unchanged under the proposal.

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.