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18th February 2021

Planning and Building Control
East Riding of Yorkshire Council
County Hall
Beverley
East Riding of Yorkshire
HU17 9BA

Dear Sir/Madam,

APPLICATION FOR PRIOR NOTIFICATION OF A PROPOSED CHANGE OF USE OF AGRICULTURAL BUILDINGS TO FLEXIBLE COMMERCIAL USE (CLASS B1 – BUSINESS / B8 - STORAGE) – AT BLACKBERRY FARM, ELLERTON

INTRODUCTION

I write on behalf of our client, Mr James Webb, in relation to the proposed use of an existing agricultural building for B1 – Business / B8 – Storage at Blackberry Farm, Fog Lane, Ellerton.

The use is being proposed under Schedule 2, Part 3 Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015, which supports the change of use of agricultural buildings to various flexible uses falling within Class A1, A2, A3, B1, B8, C1 or Class D2.

The following documents are submitted in support of this application:

1. Completed Prior Approval Application Form;
2. Location plan
3. Site plan as existing
4. Site plan as proposed
5. Plans as proposed
6. Elevations as proposed

The planning fee for £96 has been paid directly to the Council.

SITE DESCRIPTION

The farm and associated buildings is located to the south of Fog Lane, 1.6km to the northeast of Ellerton. The farm is not located within the Green Belt, and is not subject of any other landscape or ecological designations.

Proposed Development

Change of use of an agricultural building to storage use, use Class B1/B8.

Legislation

Schedule 2, Part 3 Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 is applicable to the determination of whether the prior approval of the Local Planning Authority is required for the proposed development.

Part 3 Class R (General Permitted Development) (England) (Amendment) Order permits:

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 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.

Compliance with Legislation

For ease the relevant criteria of Class R has been set out on the following pages a tabular format, with commentary on how the proposal meets these criteria; thus resulting in a permitted form of development.

Criteria of R.1 (development is not permitted if...)	Response
(a) the building was not used solely for an agricultural use as part of an established agricultural unit— <ul style="list-style-type: none"> 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; 	The buildings have been in agricultural use since their construction prior to 3 rd July 2012. They were last use for agricultural storage and are currently vacant.
(b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 500 square metres;	The cumulative floor space of the building to be converted is 498sqm, just less than the maximum allowed in the regulations

(c) the site is, or forms part of, a military explosives storage area;	The site is not, nor does it form part of a military explosives storage area.
(d) the site is, or forms part of, a safety hazard area; or	The site is not, nor does it form part of a safety hazard area.
(e) the building is a listed building or a scheduled monument.	The building is not listed or a scheduled monument.

The area of the building to be converted is 498sqm as allowed by the regulations.

Condition R.3(1)(b) states a that 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,

Conditions R.3(1)(b)	Assessment
i. transport and highways impacts of the development;	<p>The site benefits from an existing access on/off the public highway to the north of the site.</p> <p>The site access has a good safety record¹ and change of use of the building to storage use will not create an unacceptable level of intensification of the use of the site access or the road.</p> <p>A safe means of access can be achieved.</p>
ii. noise impacts of the development;	<p>The site is considered to have an acceptable relationship with adjacent residential uses and its use is compatible so that no unacceptable noise impacts</p>

¹ <https://www.crashmap.co.uk/>

	would arise that would impact on existing neighbours, or the occupiers of the proposed dwellings.
iii. contamination risks on the site	There are no contamination risks of developing this site.
iv. flooding risks on the site	The site lies within Flood Zone I, as designated by the Environment Agency. This is classified as an area with the lowest risk from flooding, and as the site area is under one hectare, a flood risk assessment would not be required.

CONCLUSION

It has been demonstrated above and within the planning submission, the proposed conversion of this agricultural barn accords with Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015.

It is therefore our considered view that the proposal meets the legislative criteria and its conditions; as such there is no requirement for the prior approval of the council to convert the building into a flexible commercial use.

We trust that you have everything you require to ensure a swift validation of this application. However, if you have any further questions or would like to discuss any aspects of the above, please do not hesitate to contact me.

Yours sincerely

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