

ADVOCO

DATE
21.05.2021

TO
South Downs National Park Authority
South Downs Centre
North Street
Midhurst
West Sussex. GU29 9DH

via [Planning Portal](#)

SUBJECT

S.73 application to vary condition
17 of approval ref. SDNP/53228
to allow flexible commercial use
(new Class E) of Barns at
Buckmore Farm, Beckham Lane,
Petersfield, GU32 3BU

Dear Sir/Madam,

Please find enclosed a Section 73 application which seeks permission to vary condition 17 of permission SDNP/53228 to allow the aforementioned building to be used for mixed commercial uses captured by new Use Class E, which was introduced in September 2020. The current condition was imposed on planning permission SDNP/53228 which was granted in May 2011 and gave permission for the extension and conversion of an existing barn to offices and ancillary accommodation.

The condition in question has the following wording :-

17. Notwithstanding the provisions of the Town and Country Planning General (Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), the premises shall be used for purposes within Class B1(a) and B1(b) of the Town and Country Planning (Use Classes) Order 2005 only, and for no other purpose.

The reason stated for the imposition of this condition was:-

In order to maintain control over future use of the premises in the interests of the general amenity of the area and/or highway safety.

This application seeks to modify this condition so that reference to superseded Uses Classes B1(a) and (b) is replaced by new use Class E Commercial, Business and Service use.

The application comprises:

- The completed s.73 planning forms including the requisite ownership and agricultural holdings certificates;
- A requisite planning application fee;
- An ecosystem services statement;
- A location Plan; and
- A Planning Statement (see below).

In preparing this s.73 submission care has been taken to ensure that it meets both the national and local validation requirements. In this regard, the validation requirements are covered by bullets points 1 to 3 above. It is noted that neither the published national nor local requirements make any reference to a location plan. Based on this, it is understood that it is not a formal requirement but has been included anyway.

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Background

The application building provides a total of 472 sq.m. of office floorspace (formerly Use Class B1[a]) and which about 65% is occupied by the applicants who are a well-established architectural practice. The remainder was let to another office occupier who leased the space from first occupation in October 2015 until October 2020 and since then the accommodation has been empty and actively marketed to secure a new tenant.

When the building was first occupied in 2015, all vehicular access was via Beckham Lane which is a narrow unmade track to which links the site to Winchester Road to the east. Since then, alternative vehicular access has been secured via the Premier Inn land to the west as part of the further development of this site under planning consent SDNP/17/00383/FUL. This has a direct access onto Winchester Road which will accommodate the projected traffic from the whole new commercial development, including the application site. A Plan showing this is also submitted for information purposes. As a result Buckmore Studios use of Beckham Lane is considerably mitigated to the extent that highway safety, which had not hitherto been a problem, is further assured.

Planning Assessment

Class E was introduced on 01/09/2020 and is part of the Government's wider deregulation agenda. It has replaced a number of previous use classes including B1 a-c, and retail use classes A1, A2 and A3, along with some uses falling within D1 (non-residential institutions) and D2 (assembly and leisure) use. It is designed to allow greater flexibility in the way commercial buildings can be occupied and has identified uses which are deemed to have similar characteristics in terms of activity levels, employment potential, amenity impacts and traffic generation.

Within the formal Class E classification reference is made to 'any other services which it is appropriate to provide in a commercial, business or service locality,' outside the specific uses identified and referenced back to the former Use Classes Order 1987 (as amended). Implicitly it is therefore designed to cover most 'light' commercial uses and would appear to be appropriate for this location which forms part of a more comprehensive B1 and B8 development (in terms of superseded use classes), which in turn forms part of a wider mixed development, comprising a hotel and restaurant, restaurant with drive through and petrol filling station.

By allowing Class E across the accommodation, this will provide more flexibility for the applicants and will enhance their prospects of finding a new tenant, particularly given the adverse impact Covid19 has had on the office market. In addition, it will mean that the use of the building will align with Government policy on commercial uses by providing greater flexibility. Furthermore, it will allow a new condition to be imposed which refers to a current rather than superseded use class. It will also allow the correction of an erroneous reference to the 2005 Use Classes Order which appears in the original condition.

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It is therefore proposed to replace condition 17 with the following:-

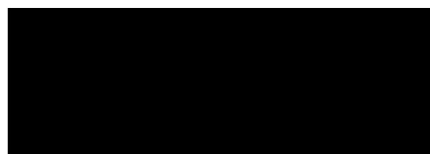
Notwithstanding the provisions of the Town and Country Planning General (Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), the premises shall be used for purposes within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) only, and for no other purpose.

This proposed amendment will safeguard the accommodation in terms of it remaining in employment use, albeit potentially beyond the confines of the former B prefixed uses. The retained reference to the GPDO would also prevent any relevant Permitted Changes of use either as currently available or future changes; should new provisions be introduced as part of the current deregulation agenda. That restriction further safeguards the continued commercial use of the building. It should also be noted that as a listed building, this provides a further level of control as any use which could not readily be accommodated in the building in its current form, is likely to require listed building consent.

In terms of the National Planning Guidance test for planning conditions, the existing condition is now considered unnecessary and unreasonable; a conflict that has arisen as a direct consequence of Class E being enacted. This change is clearly designed to allow greater flexibility and therefore to restrict this newly acquired flexibility it at odds with the two condition tests cited.

Given the above it is contended that the proposed amendment to condition 17 is acceptable in land use planning terms and will continue to provide all the appropriate safeguards on future use having due regard to the spirit and intent of the revised Use Class Order and the Government's wide reregulation agenda.

Yours faithfully



Richard Goodall MRTPI
Director

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