

3 February 2022

FAO Chief Planning Officer
Planning Department
Royal Borough of Windsor and Maidenhead Council
Town Hall, St Ives Road
Maidenhead
SL6 1RF

Dear Sir/Madam,

Re: Application for development under Prior Approval at John Torrid Farm, Beenhams Heath, Shurlock Row, Reading, RG10 0QQ

I am pleased to enclose a prior approval submission for the change of use of the existing three agricultural buildings into flexible commercial use (Class E).

This letter will introduce the meaning of 'development' in accordance with the Town and Country Planning Act 1990 and introduce the allowances of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereafter referred to as the 'GPDO'). This letter shall set out how the development accords with the provisions and conditions as set out within the GPDO to enable determination by the planning officers at the Council. The conclusion reached is that the development is lawful and should be duly granted prior approval.

This application is accompanied by the appropriate planning application forms and the following plans:

- 6029 OS 01P4 Site Location Plan
- 6029/02p3: Site Block Plan
- 6029/05p2: Existing Floor Plans
- 6029/06p1: Existing Roof Plans
- 6029/07p3: Existing Elevations
- 0629/08p3: Proposed Floor Plans
- 6029/09p1: Proposed Roof Plans
- 6029/10p2: Building A Proposed Elevations
- 6029/11p1: Building B Proposed Elevations
- 6029/12p1: Building C Existing Elevations - Unaltered

The relevant application fee shall be submitted by the applicant separately.

Relevant Legislation

Section 55(1) of the Town and Country Planning Act 1990 (as amended) defines 'development' as, among other matters, the "making of any material change in the use of any buildings or other land".

GPDO defines the 'building' includes "any structures or erection and, except in Class F of Part 2, Classes P and PA of Part 3, Class B of Part 11, Classes A to I of Part 14, Classes A, B and C of Part 16, Class T of Part 19 and Class ZA of Part 20, of Schedule 2, includes any part of a building" (Our emphasis).

For the purposes of prior approval and the GPDO, the existing lawful use of the relevant floor space of the buildings are as agricultural buildings.

Schedule 2, Part 3, Class R of the GPDO enables the change of use of 'agricultural buildings to a flexible commercial use' subject to according with the criteria of the applicable prior approval process. The criteria are set out below.

Assessment of Proposal

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.

The existing building is an agricultural building (chicken barns), and they would be changed to a use falling within Use Class E (commercial, business or service). In accordance with the interpretation of Part 3 in paragraph X, the curtilage land delineated on the location plan is an area of land immediately around the agricultural buildings, no larger than the land area occupied by the agricultural buildings. Hence, the proposed change of use meets the description of Class R.

Development not permitted

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;

The barns have operated solely for an agricultural use as part of an established agricultural unit of John Torrid Farm before, during and continuously since 3rd July 2012 to the present day.

- (b) The cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 500 square metres;

The floor area that would change use under Class R would be 323.2sqm for Building A, 145.0sqm for Building B and 31.6sqm for Building C (Gross External Area), which cumulatively amounts to 499.8sqm, just under the threshold of 500sqm for Class R.

It is noted that only eastern part of the Building B would change use, that western part of the building would be retained in agricultural use. As denoted before, the definition of building in the GPDO includes any part of a building, therefore, change the use of a part of the building also constitute the development for a change of use of a building under Class R. As such, the proposed development is in compliance.

- (c) The site is, or forms part of, a military explosive storage area;
- (d) The site is, or forms part of, a safety explosive storage area; or
- (e) The building is a listed building or a scheduled monument.

None of the above are relevant to the proposal and its location.

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.

Noted.

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;

Not applicable to this proposal.

(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;

The site benefits from having a vehicle access off Beehams Heath which serves the existing farm including subject buildings. There is no change in access arrangements and there would be sufficient parking space provided on the land within the curtilage of the buildings. The proposed change of use would not result by itself, or cumulatively with other nearby development, in a significant increase in vehicle movements or change of vehicle types along this highway, such that further harm to the surface would be directly caused. It is material that associated traffic movements with the agricultural use would likewise reduce.

- (ii) noise impacts of the development;

The buildings subject to this application is located on a working farm and sited at least 60 metres from the nearest residential dwellings. As the proposed use would fall under Class E, it is not considered to generate a level of noise that is

inappropriate or excessive for residential neighbours, especially compared with existing use accommodating hens which could be noisy and anti-social at early morning.

- (iii) contamination risks on the site; and

There is no evidence of historic contamination of the application site, and the land would not constitute contaminated land as a result of the proposed change of use. The proposed commercial use is also not vulnerable to the presence of contamination. Therefore, it is concluded that no additional contamination mitigation measures would be necessary to accommodate the proposed development.

- (iv) flooding risks on the site,

The application site is located within Flood Zone 1 which carries the lowest risk of fluvial flood and measures less than 1 hectare. Therefore, it is not considered that a Flood Risk Assessment is required for this application.

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

The application would be carried out in compliance with the provisions of Paragraph W.

- (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.

Noted.

- (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.

Noted.

- (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.

The proposed associated operational development comprises the installation three new entrances to the front of the buildings facing the access, the installation of a roller shutter door and a Fire Exit in the middle of the north flank of Building A, as well as a new door for deliveries and Fire Exit to the rear of the building, in order to facilitate the proposed use of the buildings, which is considered reasonable and necessary. New roof lights flush with the roof would be proposed for Building A and B as well as the long horizontal windows on both flank of these two buildings, in order to provide adequate natural light. Building C would remain unaltered. The associated operational development as a whole is considered reasonably necessary for the proposed use, therefore, is compliant with this condition.

Interpretation of Class R

R.4 For the purposes of Class R, "flexible use" means 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.

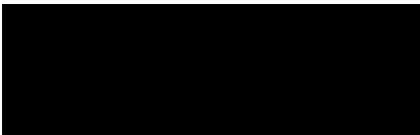
Noted. The development shall be in compliance.

Conclusion

There are no other limitations in the GDPO relevant to this prior approval application submission. Thus, it is suitably demonstrated that the proposed development complies with Schedule 2 Part 3 Class R of the GDPO subject to the prior approval process being undertaken. Furthermore, there are no known planning conditions imposed on the site which restrict its permitted development rights.

I trust that this letter, in addition to the accompanying plans are sufficient for you to make a determination. If you require additional information, please do not hesitate to contact me.

Yours faithfully,



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